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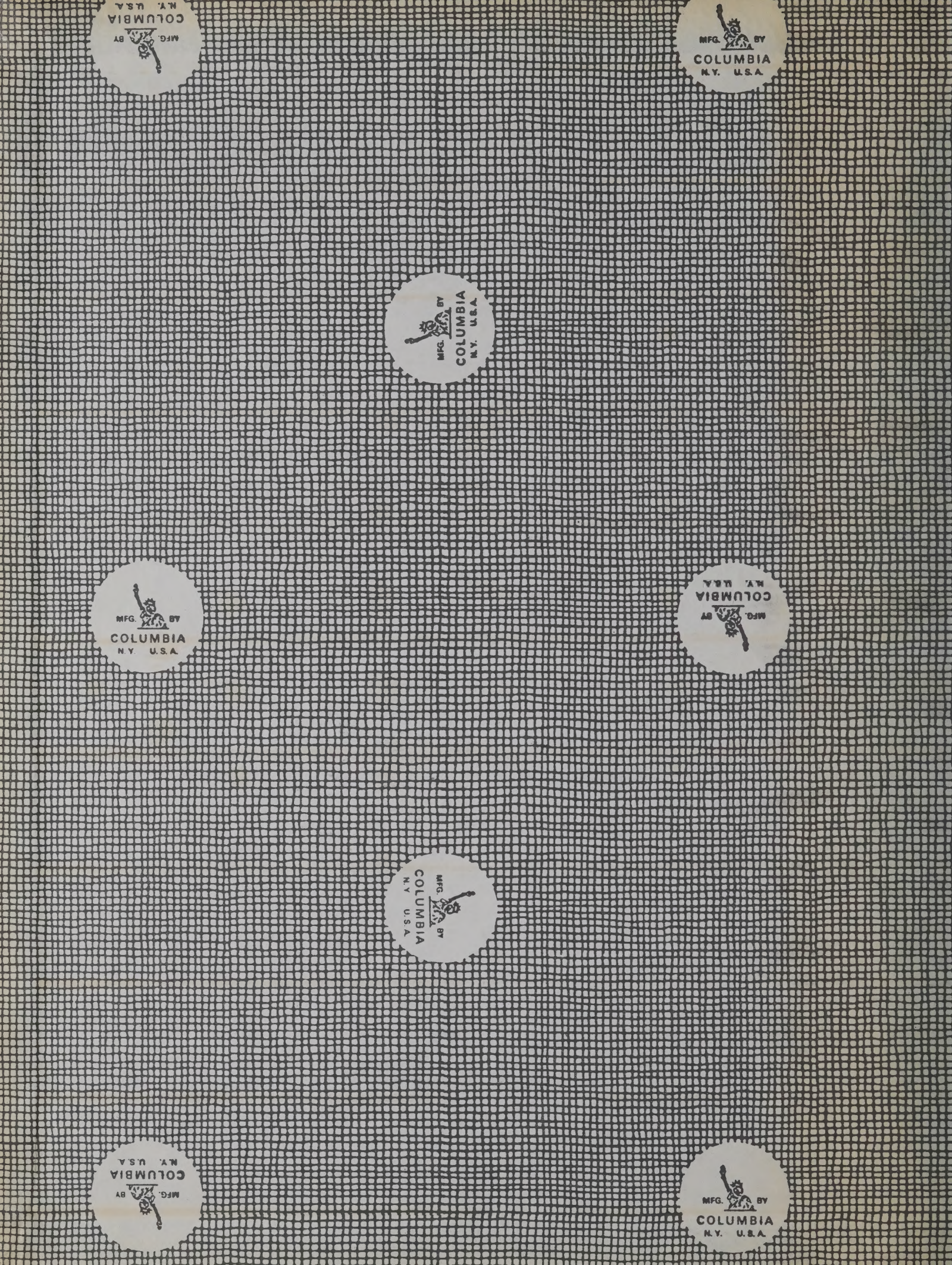
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Date JUN 26 1939
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Circular No. 504 a

COST OF COPIES OF RECORDS AND PAPERS

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington

Circular No. 504, dated September 12, 1922 (49 L.D. 274), reissued without change under date of November 1, 1935 (Sec. 240.4 C.F.R.), is hereby amended to read as follows:

Sec. 240.4. Fees for copies made by the General Land Office: remittances and forms thereof. The following fees for the preparation and delivery of certified and uncertified copies of records and papers by the General Land Office are required by R. S. 460 and 461 (43 U.S.C. 18, 21), and acts of August 24, 1912 (37 Stat. 497; 5 U.S.C. 488-492) and June 5, 1920 (41 Stat. 908; 43 U.S.C. 22):

(a) For written copies, 15 cents for each 100 words.
(b) For photographic copies, 15 cents for each sheet not exceeding 11½ by 15 inches; for larger sizes a proportionate cost, not to exceed 40 cents per sheet.
(c) For photolithographic copies of township plats, 50 cents each.
(d) For tracings or blue-prints, a sum equal to the cost of preparing the same.
(e) For certifying a copy and affixing thereto the seal of the officer certifying, 25 cents.
(f) For each certified copy of any printed order or regulation intended for gratuitous distribution, 25 cents.

The cost of a certified photographic copy of a patent is ordinarily 40 cents and of a typewritten copy 85 cents.

A separate certificate and seal must be attached to each certified copy of a patent, as well as to each certified copy of a township plat; but where there have been two or more surveys of a township and a copy of each plat of survey is desired, all of such related plats may be certified under one certificate and seal.

All fees for certified or uncertified copies must be paid in advance. In any case where the amount remitted is insufficient, the remitter will be promptly advised concerning the deficiency. Excess remittances will be returned.

Remittances may be by New York exchange, certified check, cashier's check, or post office money order. They should be drawn to the order of the Treasurer of the United States and mailed to the Commissioner of the General Land Office.*

(Sgd) Fred W. Johnson,
Commissioner.

Approved: June 19, 1939.

(Sgd) Harry Slattery,
Under Secretary.

504A

Circ 504-A

(Charges)

*Issued under authority of R. S. 453 and 2478; 43 U.S.C. 2, 1201.

Part 101.11 - 101.18

Title in Part 5/26/54 BB

CIRCULAR No. 505.

MAKING AND PERFECTING OF ENTRIES FOR LAND IN MORE THAN ONE DISTRICT.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., September 22, 1916.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Persons desiring to make and perfect entries of land lying partly within one land district and partly within another will be governed by the following rules:

1. Complete applications must be filed in each office, together with the usual fee and commissions payable for the land in each land district, besides any other payment required by law. Each application should contain a proper reference to the other application.

2. In submitting proof, the two entries should be treated as one, and the published notice of intention should describe all the land and specify in which land district each part of the claim is located. The notice must be posted in each office, a copy thereof being forwarded to the other office by the office issuing the notice. If the notice is published and posted correctly and the proof is satisfactory, the register who issued the notice for publication will issue final certificate for the portion within his land district on payment of the testimony fees and payment of the commissions and (if required) the purchase money due for the land in his district. He will then advise the officers of the district wherein the remainder of the claim is located, who will, on receipt of the final commissions and purchase money (if any) due for the part in their district, issue final certificate for that portion without further proof.

3. Should a proof be rejected by the office from which the notice of intention is issued, the other office should be so advised, but the appeal or further showing must be filed in the office which rejected the proof.

4. When a desert-land entry embraces land in more than one district, the required annual proofs may be filed in either district, provided proper reference is made to the portion of the entry in the adjoining district, and the entryman must notify such officers by letter of the date when the annual proof is filed.

CIRCULAR No. 506.

MILITARY SERVICES DURING OPERATIONS IN MEXICO, OR ALONG THE BORDER—PUBLIC RESOLUTION NO. 32, OF AUGUST 29, 1916.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., September 27, 1916.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Public Resolution No. 32, approved August 29, 1916, provides:

That the provisions of the act approved June 16, 1898, chapter 458 (30 Stat., 473), shall be applicable in all cases of military service rendered in connection with operations in Mexico, or along the borders thereof, or in mobilization camps elsewhere, whether such service be in the military or naval organization of the United States or the National Guard of the several States now or hereafter in the service of the United States.

Said act of June 16, 1898, provides:

That in every case in which a settler on the public land of the United States under the homestead laws enlists or is actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine during the existing war with Spain, or during any other war in which the United States may be engaged, his services therein shall, in the administration of the homestead laws, be construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and hereafter no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, unless it shall be alleged in the preliminary affidavit or affidavits of contest, and proved at the hearing in cases hereafter initiated, that the settler's alleged absence from the land was not due to his employment in such service: *Provided*, That if such settler shall be discharged on account of wounds received or disability incurred in the line of duty, then the term of his enlistment shall be deducted from the required length of residence without reference to the time of actual service: *Provided further*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

2. No application hereafter filed to contest a homestead entry on the ground of abandonment will be allowed by you unless there is an allegation therein that the entryman's alleged absence from the land was not due to his employment in military service rendered in connection with operations in Mexico, or along the borders thereof,

or in mobilization camps elsewhere, in the military or naval organization of the United States or the National Guard of any of the several States.

3. No allegation of abandonment will be sustained against a homestead settler in connection with a contest initiated after August 29, 1916, unless it be proved at the hearing, if one be had, that the entryman's alleged absence from the land was not due to his employment in military service as indicated.

4. No instructions will be issued at this time on any other provision of the resolution.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Approved:
BO SWEENEY,
Acting Secretary.

WASHINGTON: GOVERNMENT PRINTING OFFICE: 1916

CIRCULAR No. 508.

THE INITIALS OF THE PERSON WHO PREPARES AN AFFIDAVIT TO BE INDORSED ON THE PAPER.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., October 4, 1916.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: For reasons not necessary here to relate, the initials of the person who prepares an affidavit or takes the testimony in final proof on an entry should be written on the upper left-hand corner of the first page of the affidavit or proof testimony, preceded by "Prepared by" or "Taken by," as may be appropriate.

It is expected that the foregoing will be strictly complied with as to all affidavits prepared and proofs taken at your offices. While a compliance therewith by other officers is urged, you will not reject any affidavit or final proof merely because no initials appear in the place indicated.

Very respectfully,

CLAY TALLMAN,
Commissioner.

64861°—16

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1916

CIRCULAR No. 511.

EXCHANGE OF ALLOTMENTS—CEDED LANDS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, October 16, 1916.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: It is provided by the act of March 3, 1909 (35 Stat., 781, 784), that—

> If any Indian of a tribe whose surplus lands have been or shall be ceded or opened to disposal has received or shall receive an allotment embracing lands unsuitable for allotment purposes, such allotment may be canceled and other unappropriated, unoccupied, and unreserved land of equal area, within the ceded portions of the reservation upon which such Indian belongs, allotted to him upon the same terms and with the same restrictions as the original allotment, and lands described in any such canceled allotment shall be disposed of as other ceded lands of such reservation. This provision shall not apply to the lands formerly comprising Indian Territory. The Secretary of the Interior is authorized to prescribe rules and regulations to carry this law into effect.

You were directed by circular of June 14, 1909 (38 L. D., 41), to note on your plats and tract books notices of exchange under said act filed in your office by the officer of the Indian Service having charge of the proposed change.

No general provision for allotting the surface right only having been provided by existing law, ceded lands withdrawn or classified as coal can not be taken in exchange for tribal allotments, unless such allotments were made under a special act providing for the issuance of patents with a reservation of the coal in the land to the Government.

You will notify any Indian agent who may offer notice of exchange in such a case that the proposed exchange is not provided for by law, and you will not treat the lands proposed to be taken in exchange as reserved from entry.

On receipt of a proper notice under this act, you will make notation thereof on your plats and tract books in the regular order of its receipt, in relation to other applications for lands, noting on the same the exact time of such filing and place the paper on file in your office, and thereafter allow no appropriation of the lands affected, until advised of the final disposition of the application for change.

66704—16

As this notice is intended to serve merely the purpose of a caveat to prevent subsequent disposal of the lieu lands, you will give the same no serial number, but will report to this office by special letter the contents of said notice.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1916

In reply please refer to Circular No. 512.

"A" - McD - JWD

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

October 20, 1916.

: New Rubber Stamps. Instructions as
: to Relinquishments and plats.

Registers and Receivers,
United States Land Offices.

Sirs:

There has been mailed to each district office two rubber stamps for use in iddicating the hour and date of receipt of ALL papers, and two stamps for use in connection with relinquishments.

No stamps other than these should be used hereafter for the purposes indicated.

On all applications to make entry, an impression of the "Received" stamp should be made in the upper RIGHT-HAND corner, care being used not to interfere with the space left on the printed form for the insertion of the serial number. The stamp furnished with Circular No. 107, to indicate moneys paid, should be impressed on the upper-LEFT hand corner, at least one inch from the top.

The date and hour of the receipt of ALL papers must be inserted in the spaces provided in the new stamp. It will not be necessary for either officer to sign his name thereto, but in the case of relinquishments the Register must sign his name below an impression of the stamp "Entry canceled on records."

The date that plats of survey are filed as well as received should be noted thereon.

Very respectfully,

C. M. BRUCE,

Acting Commissioner.

RECEIVED
U. S. LAND OFFICE
ROSWELL, N. MEX
Date _____
Hour _____

Entry Canceled on Records

_____ Register

Part 216 of CFR 43 " 217 " " "

Still in effect 5/28/54

Part 216 Cir 1551, 1581 + 1743

CIRCULAR No. 513.

INSTRUCTIONS GOVERNING REPAYMENTS.

Part 217 Cir 728 + 1761

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., October 25, 1916.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: The following regulations and instructions governing the repayment of moneys received by the Government and covered into the United States Treasury, in connection with the disposal or attempted disposal of the public lands, are promulgated for your guidance and the information of the general public.

In addition to the provisions of sections 2362 and 2363, United States Revised Statutes, it will be observed from the laws printed in full as an appendix to this circular, that the general laws providing for the return of such moneys are contained in the acts of June 16, 1880 (21 Stat., 287) and March 26, 1908 (35 Stat., 48).

You will strictly observe and enforce the instructions herein contained.

APPLICATIONS.

1. The following form of application for repayment is intended to cover every class of claims arising under the provisions of said acts, but the form may be modified by striking out such portions thereof as may be irrelevant to the particular claim presented:

The Commissioner of the General Land Office:

I hereby make application for the repayment of such amount of money as may be found due, paid in connection with _____ No. _____, for the
(Kind of application, etc.)
_____.
Section _____, Township _____, Range _____, _____ Meridian, as per Receiver's Receipt, No. _____, issued at _____, dated _____, which is surrendered herewith; and on oath declare that I am the same (or legal representative of the) person who made said payment and that there was no fraud or attempted fraud in connection with the effort to obtain title to the land described; that I have not sold, assigned, nor in any manner encumbered, the title to the land described, and that the same has not become a matter of record.

_____
_____
_____
(Signature of applicant.)
_____
(Post-office address.)

State of _____
County of _____
Subscribed and sworn to before me this _____ day of _____.
_____
_____
(Official designation.)

2. The affidavit necessary to an application for repayment may be made before either the register or receiver, or any officer authorized to administer oaths and using a seal.

3. When made before a justice of the peace, a certificate of official character is required.

In CFR 43 - Cir 416, 904 + 1008 - Part 216

ON FRAUDULENT AND VOID ADDITIONAL SOLDIERS' AND SAILORS' ENTRIES.

4. Section 1 of this act authorizes the repayment of the fee, commissions, and excess payments required upon the location or entry of soldiers' and sailors' additional homestead rights, which locations or entries are found to be based upon spurious or forged papers and the entries are canceled as fraudulent and void.

5. Under this section repayment can be made only to the "innocent parties" who paid the moneys, and in order to present a claim thereunder it is necessary that the receipts issued to the claimant be surrendered as a part of the application for repayment.

6. In case the receipts can not be surrendered an affidavit explaining the loss or destruction of the same is required, together with evidence to show that the moneys applied for were paid by the applicant.

7. The applicant will be required, in all cases where the void location or entry is made in the name of the original entryman, to furnish the power of attorney, or certified copy thereof, authorizing the applicant to make the additional entry; or furnish such other authenticated evidence as may be produced to show that the applicant is in fact the party who made the void additional entry and paid the moneys in connection therewith.

8. A concise statement, in the form of an affidavit, should accompany these applications for repayment, setting forth all the facts and circumstances in connection with the procurement and use of the fraudulent papers upon which the canceled entry was based, together with such other proof as may tend to establish the innocence of the applicant.

ON ENTRIES CANCELED FOR CONFLICT OR WHERE THE SAME HAVE BEEN ERRONEOUSLY ALLOWED AND CAN NOT BE CONFIRMED.

9. The first clause of section 2 of this act provides for the repayment of fees, commissions, purchase money, and excesses paid in connection with entries of the public lands that have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry was erroneously allowed and can not be confirmed. This clause directs that said moneys shall be repaid to the person who made such entry, or to his heirs or assigns, and it requires the surrender of the receipts issued and the execution of a proper relinquishment of all claims to the lands acquired under the invalid entry.

10. Claims for repayment should be made on form 4–109, or the equivalent thereof, which application must contain an affidavit stating that the title to the land, under the invalid entry, has not been sold or assigned, and that the same has not become a matter of record.

11. In cases where the entry has been made a matter of record, in the archives of the county recording officer, there should be added to the form of application (4–109) the words "except as shown by accompanying evidence," in which event the evidence hereinafter required must be furnished.

12. A duly executed relinquishment must be furnished by the applicant in the following or equivalent form:

_____ _____, _____, 19__.

I hereby relinquish to the United States all my right, title, and interest in and to entry No. _____, made at _____, the land being
(Name land office where entry was made.)
described as follows: _____
_____ section _____,
Township _____, Range _____, _____ Meridian.

_____
(Signature.)

Witnesses:

_____
(Name and address.)

_____
(Name and address.)

Acknowledged before me this _____ day of _____, 19__.

_____
_____
(Official designation of officer.)

13. This relinquishment may be acknowledged before the register or receiver or before any officer authorized to take acknowledgments.

14. If acknowledged before a justice of the peace, a certificate of official character is required.

15. In cases of commutation homestead entry, final homestead entry, final desert-land entry, and other final certificates, which are canceled, leaving the original entry or base intact, subject to future compliance with the requirements of law, a reservation should be incorporated into the relinquishment to the effect: "But excepting from the operation of this relinquishment all my rights and title to the described land under original entry No. ———."

16. The receipts, showing the payments of the moneys claimed, must be surrendered and also the duplicate certificates; but if the same have been lost or destroyed, an affidavit stating the facts must be furnished.

FINAL ENTRIES.

17. With applications for repayment of the moneys paid upon canceled commuted homestead entries, final homestead entries, final desert-land entries, mineral entries, coal-land entries, and other final entries, the receiver's receipt and the duplicate certificate of entry, whenever such has issued, should be surrendered.

18. In case the receipt or certificate can not be surrendered or has been lost or destroyed, a certificate will be required from the proper recording officer of the county within which the land is situate, showing that the same has not become a matter of record and that there is no encumbrance of the title to the land thereunder.

19. A recorder's certificate must be furnished, as above, (*a*) in all cases where the application for repayment is made by another than the original entryman, and (*b*) in all cases where the claim is based upon an unrecorded deed from the entryman to the party applying for repayment.

20. In all cases where patent has been issued, upon an invalid entry, a full reconveyance to the United States of all right and title to the land acquired under the patent and entry must be furnished, which deed must be recorded. If a certificate of the recording officer is produced showing that neither the entry nor the patent has been recorded, it is unnecessary to record the reconveyance in case the patent is surrendered.

21. If, however, the patent can not be surrendered, or should the entry or patent have been recorded, it is necessary that the proper party or parties execute a full reconveyance to the United States and have the same recorded as indicated in the next following paragraphs.

22. Where title under an invalid entry or patent has become a matter of record, a duly executed quitclaim deed, relinquishing to the United States all right, title, and claim to the land, acquired under the entry, or patent, must accompany the application for repayment.

23. This deed must be duly recorded, and a certificate must also be produced from the proper recording officer of the county wherein the land is situate, showing that said deed is so recorded and that the records of his office do not exhibit any other conveyance or incumbrance of the title to the land.

24. The reconveyance to the United States must conform in every particular to the laws of the State or Territory in which the land is located relative to transfers of real property; in the case of a married man, in localities where the right of dower, or equivalent, exists, the wife must join in the execution of the deed, and in case of an executor or administrator, due proof of authority to alienate the estate.

25. If the applicant has also acquired the valid title conveyed by the United States, a reconveyance of the land is unnecessary, but a relinquishment, waiving all claim under the illegal entry, is required, together with corroborative evidence of the facts, preferably an abstract of title and a statement in full in support of the claim for repayment.

HEIRS, EXECUTORS, ADMINISTRATORS, AND ASSIGNEES.

26. Where application is made by heirs, satisfactory proof of heirship is required. This must be the best evidence that can be obtained and must show that the parties applying are the heirs and the only heirs of the deceased.

27. Proof of heirship should be made in the form of an affidavit, corroborated by two witnesses, setting forth the date of the death of the intestate; whether the intestate left surviving a husband or wife, as the case may be; the full name and age of such husband or wife; the names and ages of all children; and also state whether there is any issue of a deceased child or children. The affidavit should set forth all the facts, in order that this office may determine who are the legal heirs, in accordance with the laws of descent and distribution of the State where the land is situated.

28. In case there are minor heirs not under the guardianship of a duly appointed guardian, and the amount to be repaid is $200 or less, the surviving parent may execute the application as the natural guardian of such heirs. Such application should be supplemented with an affidavit stating all the facts in detail.

29. Where application is made by executors, a certificate of executorship from the probate court must accompany the application.

30. Where application is made by administrators, the original, or a certified copy, of the letters of administration must be furnished.

31. Where applications are made by assignees, the applicants must show their right to repayment by furnishing properly authenticated abstracts of title, or the original deeds or instruments of assignment, or certified copies thereof.

32. In the place of an abstract of title the applicant may furnish a certificate of the recording officer of the county in which the land is situate, showing all alienations or liens affecting title to the land in connection with the entry upon which the claim for repayment is based.

33. The applicants must also show by affidavits or otherwise that they have not been indemnified by their grantors or assignors for the failure of title, and that title has not been perfected in them by their grantors through other sources.

34. Where there has been a conveyance of the land and the original purchaser applies for repayment, he must show that he has indemnified his assignee or perfected the title in him through another source, or produce a full reconveyance to himself from the last grantee or assignee.

35. Those persons are assignees, within the meaning of the statutes authorizing the repayment of purchase money, who purchase the land after the entries thereof are completed and take assignments of the title under such entries prior to complete cancellation thereof, when the entries fail of confirmation for reasons contemplated by the law.

36. To construe said statutes so as to recognize the assignment or transfer of the mere claim against the United States for repayment of purchase money, or fees and commissions, disconnected from a sale of the land or attempted transfer of title thereto, would be against the settled policy of the Government and repugnant to section 3477 of the Revised Statutes. (2 Lawrence, First Comp. Dec., 264, 266, and 6 Dec. Comp. of the Treasury, 334, 359.)

37. Assignees of land who purchase after entry are, in general, deemed entitled to receive the repayment when the lands are found to have been erroneously sold by the Government. But this rule does not apply to the repayment of double-minimum excesses. (First Comp. Dec. in case of Adrian B. Owens, Copp's Pub. Land Laws, 1890, vol. 2, p. 1238.)

38. Mortgagees are not assignees within the meaning of the repayment laws, but may become such by pursuing the course suited to the particular case as follows:

(*a*) Where, after date of entry and prior to cancellation thereof, the land is mortgaged and the mortgagee receives a sheriff's deed under foreclosure proceedings, the mortgagee becomes an assignee. (See 193 U. S., 651; 28 L. D., 201, and 30 L. D., 136.)

(*b*) Where a mortgage is executed prior to the cancellation of an entry, and a deed made to the mortgagee after such cancellation, the holder of such deed becomes the assignee. (See 26 L. D., 425.)

39. In either case, complete evidence must be furnished to establish the applicant's right to repayment by producing the original deeds or instruments, or certified copies thereof showing all transactions, together with certified copies of the court proceedings.

DOUBLE-MINIMUM EXCESS.

40. The last clause of the second section of the act provides that "in all cases where parties have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, the excess of $1.25 per acre shall in like manner be repaid to the purchaser thereof or to the heirs or assigns."

41. This clause has been practically absorbed by section 2 of the act of March 26, 1908. (Instructions following.)

42. The applicant must make the affidavit showing that he is the identical party who made the entry on which repayment is claimed, as contained in the form of application.

43. Repayment of double-minimum excess will be made only to the original entryman, his heirs or assigns. The sale and transfer of the land is not of itself treated as an assignment of the right to receive repayment of double-minimum excess.

ACT OF MARCH 26, 1908.

44. The act of March 26, 1908 (35 Stat., 48) provides for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws and is additional to the provisions of sections 2362 and 2363, United States Revised Statutes, and to the act of June 16, 1880 (supra).

45. The first section of this act authorizes the return to the applicant, or his legal representatives, of purchase moneys and commissions covered into the Treasury of the United States under any application to make any filing, location, selection, entry, or proof, where such application has been or shall hereafter be rejected, in cases where neither the applicant nor his or her legal representatives shall have been guilty of any fraud or attempted fraud in connection with said application.

46. This section refers more particularly to moneys covered into the Treasury of the United States which were paid in connection with rejected applications to make entry, proof, etc., but it also contemplates the repayment of moneys paid in connection with allowed entries and proofs, which entries or proofs should have been rejected. (See 43 L. D., 104.)

47. The second section authorizes the return to the person who made the payment, or to his legal representatives, of any moneys paid under any of the land laws of the United States, in excess of the legal requirements.

LEGAL REPRESENTATIVES.

48. The term "legal representatives" includes heirs, executors, and administrators, and where application is made by either of them due proof must be furnished as required by paragraphs Nos. 29 or 30, as the case may be.

49. Assignees also come within the purview of this term, but only in such instances as would not be repugnant to section 3477, United States Revised Statutes.

50. Where applications are made by assignees, the evidence required under paragraphs Nos. 31 or 32, as the case may be, must be furnished.

51. Section 3477, United States Revised Statutes, prohibits the transfer or assignment of claims against the United States, and therefore any attempted transfer or assignment of a claim under either of the before-mentioned sections can not be recognized, except in certain cases, coming under section 1 of this act. (See 42 L. D., 181.)

52. The instances in which assignees are authorized to receive repayment under this act would be in cases where entries are allowed, but which should have been rejected, and after the date of such entries and prior to the cancellation thereof, valid attempts are made to transfer the lands entered; and further, in cases where proofs and payments are made, but certificates of entry withheld, and thereafter valid assignments are made of all right, title, and interest in and to the lands involved. (43 L. D., 477; and 44 L. D., 516.)

DEFINITION OF "ERRONEOUSLY ALLOWED."

53. This phrase, being the basis for the allowance of repayment under section 2 of the act of June 16, 1880 (supra), can not be given an interpretation of such latitude as would countenance fraud. If the records of the Land Office, or the proofs furnished, should show that the entry ought not to be permitted, and yet it were permitted, then it would be "erroneously allowed." But if a tract of land were subject to entry, and the proofs showed a compliance with law, and the entry should be canceled because the proofs were shown to be false, it could not be held that the entry was "erroneously allowed"; and in such case repayment would not be authorized.

FRAUD OR ATTEMPTED FRAUD.

54. What constitutes "fraud or attempted fraud" within the meaning of section 1 of the act of March 26, 1908 (supra), such as will bar repayment, affords a wide degree of latitude, and it necessarily follows that each claim for repayment must be adjudicated upon a finding of the record in the case.

TRANSMITTAL OF APPLICATIONS.

55. Applications for repayment may be filed either in this office or in the proper district land office.

56. When an application is filed in the district land office the register and receiver shall transmit the same with a full report of the facts in the case, as shown by their official records, and recommend either the allowance or the disallowance of the claim.

57. Where an application is filed, either in the district land office or in this office, it should be accompanied by a statement by the applicant setting forth fully the grounds upon which repayment is claimed.

CREDIT FOR PRIOR PAYMENT UPON SECOND PROOF.

58. In cases where the commutation homestead proof, final homestead proof, final desert-land proof, or other proof based upon an original entry, upon which you have issued certificate, has been rejected by this office, the certificate canceled, and the original entry allowed to stand subject to future compliance with the law, if second proof is accepted, credit may be allowed for the money paid on the first proof, and the register will issue his certificate, bearing proper number and date, making notation thereon in accordance with paragraph 195, Circular No. 105, dated May 4, 1912.

59. The entryman is required to pay the testimony fees in connection with the second proof, irespective of the fees paid with the first proof, which fees are to be accounted for in accordance with instructions contained in said Circular No. 105.

60. If the entire entry is canceled and the entryman is allowed to begin proceedings *de novo*, as for instance, in a mineral entry, the purchase money paid upon the first entry can not be applied in payment for a second entry. The only relief that may be afforded, if any, will be upon application for repayment.

Very respectfully,

CLAY TALLMAN,
Commissoner.

Approved:
BO SWEENEY,
Acting Secretary,

THE LAWS GOVERNING REPAYMENTS.

No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time. (Sec. 9, art. 1, Constitution of the United States.)

REVISED STATUTES OF THE UNITED STATES.

SEC. 2362. The Secretary of the Interior is authorized, upon proof being made to his satisfaction that any tract of land has been erroneously sold by the United States, so that from any cause the sale can not be confirmed, to repay to the purchaser, or to his legal representatives or assignees, the sum of money which was paid therefor, out of any money in the Treasury not otherwise appropriated.

SEC. 2363. Where any tract of land has been erroneously sold, as described in the preceding section, and the money which was paid for the same has been invested in any stocks held in trust, or has been paid into the Treasury to the credit of any trust fund, it is lawful, by the sale of such portion of the stocks as may be necessary for the purpose, or out of such trust fund, to repay the purchase money to the parties entitled thereto.

SEC. 3477. All transfers and assignments made of any claim upon the United States, or of any part or share thereof or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

ACT OF JUNE 16, 1880 (21 STAT., 287).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where it shall, upon due proof being made, appear to the satisfac-

tion of the Secretary of the Interior that innocent parties have paid the fees and commissions and excess payments required upon the location of claims under the act entitled "An act to amend an act entitled 'An act to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States,' and amendments thereto," approved March third, eighteen hundred and seventy-three, and now incorporated in section twenty-three hundred and six of the Revised Statutes of the United States, which said claims were, after such location, found to be fraudulent and void, and the entries or locations made thereon canceled, the Secretary of the Interior is authorized to repay to such innocent parties the fees and commissions and excess payments paid by them, upon the surrender of the receipts issued therefor by the receivers of public moneys, out of any money in the Treasury not otherwise appropriated, and shall be payable out of the appropriation to refund purchase money on lands erroneously sold by the United States.

SEC. 2. In all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same, upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office, and in all cases where parties have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant the excess of one dollar and twenty-five cents per acre shall in like manner be repaid to the purchaser thereof or to his heirs or assigns.

SEC. 3. The Secretary of the Interior is authorized to make the payments herein provided for out of any money in the Treasury not otherwise appropriated.

SEC. 4. The Commissioner of the General Land Office shall make all necessary rules and issue all necessary instructions to carry the provisions of this act into effect; and for the repayment of the purchase money and fees herein provided for the Secretary of the Interior shall draw his warrant on the Treasury and the same shall be paid without regard to the date of cancellation of the entries.

ACT OF MARCH 26, 1908 (35 STAT., 48).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where purchase moneys and commissions paid under any public land law have been or shall hereafter be covered into the Treasury of the United States under any application to make any filing, location, selection, entry, or proof, such purchase moneys and commissions shall be repaid to the person who made such application, entry, or proof, or to his legal representatives, in all cases where such application, entry, or proof has been or shall hereafter be rejected and neither such

applicant nor his legal representatives shall have been guilty of any fraud or attempted fraud in connection with such application.

SEC. 2. That in all cases where it shall appear to the satisfaction of the Secretary of the Interior that any person has heretofore or shall hereafter make any payments to the United States under the public land laws in excess of the amount he was lawfully required to pay under such laws, such excess shall be repaid to such person or to his legal representatives.

SEC. 3. That when the Commissioner of the General Land Office shall ascertain the amount of any excess moneys, purchase moneys, or commissions in any case where repayment is authorized by this statute, the Secretary of the Interior shall at once certify such amounts to the Secretary of the Treasury, who is hereby authorized and directed to make repayment of all amounts so certified out of any moneys not otherwise appropriated and issue his warrant in settlement thereof.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1916

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONT.
Date DEC 23 1916
Hour 1 P.M.

In reply please refer to Circular No. 515.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

December 14, 1916.

Notice to Chiefs of Field Divisions relative filing of contests against desert land applications.

Registers and Receivers,

United States Land Offices.

Gentlemen:

You are directed to forward to the proper Chief of Field Division a copy of all applications to contest which are filed in your office against desert land applications, as soon as action on such applications to contest has been taken by you. The copy sent to the Chief of Field Division should have indorsed thereon the disposition made by you of the application.

Respectfully,

CLAY TALLMAN,

Commissioner.

CIRCULAR No. 517.

LAND IN CERTAIN COUNTIES IN NORTH DAKOTA, SOUTH DAKOTA, AND KANSAS NOT SUBJECT TO DESIGNATION UNDER THE ENLARGED HOMESTEAD ACT.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 26, 1916.

REGISTERS AND RECEIVERS,
United States Land Offices, Arizona, California, Colorado, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

SIRS: Under date of December 21, 1916, the Secretary of the Interior issued the following order:

As a result of the passage of the act of July 3, 1916 (39 Stat., 344), it has become possible for applicants to make additional homestead entries in the arid portions of the States subject to the act, based on original homesteads situated in the more humid eastern portions of North Dakota, South Dakota, and Kansas.

The Director of the Geological Survey advises that in his opinion lands in the counties in those States hereinafter listed can not properly be regarded as arid lands subject to the operation of the enlarged homestead act. You are accordingly directed to advise local land officers in the States mentioned that lands in these counties will not be designated under the act of February 19, 1909 (35 Stat., 639), and that all entries and applications to make entry, the allowance of which would be conditional upon the designation of lands in these counties, should accordingly be rejected.

The list of counties is as follows:

North Dakota.—Barnes, Benson, Bottineau, Cass, Cavalier, Dickey, Eddy, Foster, Grand Forks, Griggs, Lamoure, McHenry, Nelson, Pembina, Pierce, Ramsey, Ransom, Richland, Rolette, Sargent, Sheridan, Steele, Stutsman, Towner, Traill, Walsh, Wells.

South Dakota.—Aurora, Beadle, Bonhomme, Brookings, Brown, Brule, Buffalo, Charles Mix, Clark, Clay, Codington, Davison, Day, Deuel, Douglas, Edmunds, Faulk, Grant, Hamlin, Hand, Hanson, Hutchinson, Hyde, Jerauld, Kingsbury, Lake, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Roberts, Sanborn, Spink, Turner, Union, Yankton.

Kansas.—Allen, Anderson, Atchinson, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Comanche, Cowley, Crawford, Dickinson, Doniphan, Douglas, Edwards, Elk, Ellis, Ellsworth, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Jefferson, Jewell, Johnson, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Lyon, McPherson, Marion, Marshall, Miami, Mitchell, Montgomery, Morris, Nemaha, Neosho, Osage, Osborne, Ottawa, Pawnee, Phillips, Pottawatomie, Pratt, Reno, Riley, Rooks, Rush, Russell, Saline, Sedgwick, Shawnee, Smith, Stafford, Sumner, Wabaunsee, Washington, Wilson, Woodson, Wyandotte, Republic, Rice.

Inclose a copy hereof with all notices of rejection hereunder.

Very respectfully,

CLAY TALLMAN,
Commissioner.

4361—17

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1917

CIRCULAR NO. 523

STOCK RAISING HOMESTEAD ACT OF DECEMBER 29, 1916 (39 STAT. 862)—INSTRUCTIONS

[Reprint of regulations of December 14, 1921 (48 L. D. 485), with amendments of September 9, 1922, Circular 846 (49 L. D. 266); February 18, 1922, Circular 810 (48 L. D. 454); March 30, 1923, Circular 886 (49 L. D. 506); February 1, 1924, Circular 912 (50 L. D. 260); February 2, 1924, Circular 913 (50 L. D. 261), and July 19, 1924, Circular 952 (50 L. D. 580)]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 2, 1925.

Registers and Receivers, United States Land Offices.

SIRS: The following instructions are issued under the provisions of the act of December 29, 1916, relating to stock-raising homesteads as amended by the act of October 25, 1918 (40 Stat. 1016), act of September 29, 1919 (41 Stat. 287), act of March 4, 1923 (42 Stat. 1445), and the act of June 6, 1924 (Public No. 206).

WHAT LANDS SUBJECT TO ACT

1. The Secretary of the Interior is authorized, pursuant to application or otherwise, to designate unreserved public lands in any of the public-land States, but not in Alaska, as "stock-raising lands." This includes ceded Indian lands, unless entries therefor are limited to a smaller area by the acts governing their appropriation; but it does not include lands in national forests. From time to time lists of land thus designated will be sent to the registers and receivers in the districts wherein the land is situated, and they will be advised of the dates when the designations become effective.

2. The lands to be designated are those the surface of which is, in the opinion of the Secretary of the Interior, chiefly valuable for grazing and raising forage crops, which do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that 640 acres are reasonably required to support a family. The classification will be made, so far as practicable, to exclude lands that are not chiefly valuable for grazing and raising forage crops, either because too valuable for such use or too poor for such use. Lands which are capable of producing valuable crops of grain or other food cereal or fruit are not subject to designation, being, if otherwise subject to entry, disposable under the 160-acre or 320-acre homestead law, according to their character. No tract may be designated which contains a water hole, or other body of water, needed or used by the public for watering purposes, and such tracts may be reserved by the President and kept open to the public use under rules prescribed by the Secretary of the

Interior. Whether the land will or will not support a family is not guaranteed in any manner by the designation of the land as subject to this act. The homesteader himself must take the burden of accepting the land designated as of a character that meets the requirements of the law.

Even though designated under the stock-raising act, lands within the limits of petroleum reserves are not subject to entry under this act.

FEES AND COMMISSIONS

3. The fee and commissions on all entries under this act are calculated on the same basis as other entries. For a tract of less than 81 acres the fee is $5; and for that area or more it is $10. The commissions, both on making the entry and on submitting final proof, amount to 3 per cent on the Government price ($1.25 or $2.50 per acre, as the case may be) of the land in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and to 2 per cent in the other States. For example, on an entry for 640 acres in Washington, not within granted railroad limits, and therefore $1.25 land, the payment on making entry would be $34 and on submitting proof would be $24, in addition to testimony fees and publication fees payable to a newspaper.

QUALIFICATIONS FOR ENTRYMEN

4. (*a*) Any person qualified under the general laws to make homestead entry (that is, who has not exercised his right, or who is entitled to restoration of his right under general provisions of law) may make a stock-raising homestead entry for not exceeding 640 acres of unappropriated unreserved surveyed land, in reasonably compact form, which has been designated by the Secretary as above indicated. No rights can be acquired by an application for unsurveyed land; but where a tract of unsurveyed land has been designated a settlement right on not more than 640 acres may be established and maintained if the boundaries are plainly marked on the ground.

(*b*) A person otherwise qualified who has partially exhausted his right under the homestead laws other than this act, securing title to a tract of land, is entitled to make an original entry under the stock-raising act for such an area as will not, with said tract, make up more than 640 acres; and the distance between the two tracts involved is immaterial. To illustrate, if he has a patented entry covering 120 acres he may make original stock-raising entry for as much as 520 acres; if his patented entry covers 240 acres of land designated under the enlarged homestead act, he is still a qualified entryman under that act and is, therefore, entitled to enter under the stock-raising act as much as 400 acres; if he has entered 160 acres of land not designated under the enlarged homestead act, he may file petition for its designation thereunder, and his right to make original stock-raising entry will be contingent on designation as indicated.

(*c*) A person who has perfected, or has pending, an entry or entries initiated since August 30, 1890, under the desert land, timber and stone or preemption laws for 320 acres in the aggregate is disqualified from making any kind of entry under this act. If he made entries under said laws for not more than 160 acres they do not affect

his right under this act. If he has entered under the desert land, timber and stone, or preemption laws more than 160 acres but approximately 40 acres less than 320 acres, he is entitled to make an original or an additional entry under this act; but the tract entered hereunder (which in no case must exceed approximately 640 acres), together with the land entered under the other laws mentioned, and his prior uncanceled homestead entry or entries, if any, must not aggregate more than 800 acres. In other words, a person who is qualified to make an original or an additional homestead entry under other laws for as much as approximately 40 acres can enter hereunder such an amount of land as will, with the area theretofore entered under the homestead laws, not exceed 640 acres, but the total of all entries under the agricultural public land laws (i. e., timber and stone, desert land, preemption, and homestead) must not exceed 800 acres.

COMPACTNESS OF ENTRY

5. With respect to compactness, no entry, nor any claim comprising an original entry and an additional entry under this act, shall entirely surround an unappropriated tract of public land, nor shall it have an extreme length of more than 2 miles if there be available land of the character described in the act the inclusion of which in the claim would reduce such length. An additional entry may not include an incontiguous tract if there is vacant unreserved land of the proper character available contiguous to the original tract. If there is not sufficient land thus available, two or more incontiguous tracts of designated land within a radius of 20 miles may be entered if in reasonably compact form, but an applicant will not be permitted to include a third tract in his entry while leaving unentered any part of a second, nor a fourth while leaving unentered any part of a third, etc. In other words, an original or an additional entry may embrace two or more incontiguous tracts, but not more than one of the tracts may have adjoining it vacant land of the character contemplated by the stock raising act. The applicant is at liberty to file an affidavit, corroborated by two witnesses, to the effect that land which should otherwise be included in his application but which is omitted therefrom is not of the character contemplated by the act, and all facts upon which that allegation is based should be fully set forth therein.

ADDITIONAL ENTRIES WITHIN 20 MILES

6. An person otherwise qualified who has a pending or perfected homestead entry for less than 640 acres of land, which shall be designated as stock-raising land, may, under the first proviso to section 3 of the act, as amended, make an addtional entry for a tract of designated land within a radius of 20 miles from the tract originally entered, and making up therewith an area of not more than 640 acres.

One who has made a stock-raising entry, whether original or additional, is not qualified to make a section 3 additional entry even though he has not obtained the maximum acreage allowed by the stock raising law.

Any person otherwise qualified who, when making an original entry under the stock raising homestead act, is unable to secure the maximum area permitted by reason of adjoining lands or lands within a radius of 20 miles from the lands originally entered being reserved or covered by prior filings or entries may, if the reservation be vacated, or if the intervening filings and entries be canceled as the result of relinquishment, contest, or otherwise, be permitted to enlarge his original entry, through amendment or by the filing of additional entry of designated lands within a radius of 20 miles from the tract originally entered, making up, with his first entry, an area of not more than 640 acres.

If he applies for land which is incontiguous to the original entry, he must furnish an affidavit that there is no unappropriated, unreserved land contiguous thereto of the character described in the act other than that for which he applies; however, this affidavit will not be necessary if your records show that there is no other vacant contiguous land. The same limitation as to compactness of form will be enforced as with respect to orignial entries as specified in paragraph 5 hereof. It is immaterial whether a person applying for additional entry under this provision of the law resides upon or owns the land first entered.

An application for additional entry not supported by an original entry or by an application for original entry allowable in whole or in part at the time of filing will be rejected unless the original application is for second entry and is accompanied by a second entry showing in which case action in the matter will be suspended pending determination of the applicant's second entry qualifications. If the original second entry application is allowed in whole or in part, the additional application will be considered, otherwise it will be rejected.

A married woman may make an additional entry under section 3 of the stock-raising act, provided her husband is not holding an unperfected entry requiring residence. In order to perfect such additional entry, three years' actual residence thereon, together with the required improvements and use of the land for raising stock and forage crops for not less than three years, must be shown.

Where an original or additional entry is made under the general homestead law or the enlarged homestead act for land which at date of filing application to make entry was enterable under the stock-raising act, and the homesteader finds the physical condition of the land such that he can not comply with the cultivation requirements, he will not be granted a reduction in the required area of cultivation. In such cases the homesteader should file application for change of the character of the entry to one under the stock-raising act, showing therein the nonadaptability of the land for cultivation; that the land does not contain any water holes, or other body of water needed or used by the public for watering purposes, and his consent to the entry being made subject to the reservation to the United States of all coal and other minerals in the land, together with the right to prospect for, mine, and remove the same. The application of the entryman should be in affidavit form, and the showing therein as to the character of the land should be corroborated by the affidavits of two witnesses.

Even though a person has two pending or perfected homestead entries, he may nevertheless make an additional entry under the proviso to section 3, provided all the other lands involved lie within 20 miles of the tract first entered. Where proof has been submitted on the original entry, the person may make an additional entry for land contiguous thereto, or within 20 miles, under section 5 of the act, provided he still owns and resides upon the original tract. (See par. 9 as to method of perfecting title to an entry under said section.)

A person whose right has been restored by a second entry act is in the position of never having made a homestead entry.

PROOFS ON ABOVE ENTRIES

7. The entries hereinbefore explained may be perfected by proofs submitted within five years after their dates on a showing of compliance with the provisions of the three year law (act of June 6, 1912, 37 Stat. 123), except that expenditures for improvements must be shown in lieu of the cultivation required by that act. The entryman must show that he has actually used the land for raising stock and forage crops for not less than three years, and that he has made permanent improvements upon the land, having an aggregate value of not less than $1.25 per acre, and tending to increase the value of the land for stock-raising purposes; and at least one-half of the improvements must be placed upon the tract within three years after the date of the entry.

As to residence, this must be continued for three years, subject to the privilege of a five months' absence in each year, divisible into two periods, if desired, but credit on the residence period on account of military service during time of war will be allowed as on other homestead entries; where an entry has been made, additional to a pending entry, or to a perfected entry for a tract, still owned by the claimant, the residence may be had on either of the tracts involved for three years after the additional is allowed, or becomes allowable. In other cases such residence must be on the land additionally entered. It must appear at the time of proof that there is then a habitable house on the land; but it will not be counted in estimating the value of the permanent improvements required to be placed on the tract, as above stated. If the entry comprises two noncontiguous tracts, the residence may be on either.

Where satisfactory final proof is received involving several homestead entries and one or more of the entries involved is under the stock raising act, separate final certificate covering the stock raising entry or entries will be issued in accordance with Circular No. 917.

ADDITIONAL ENTRIES BEFORE PROOF

8. (*a*) Under section 4 of the act any person having a homestead entry for land which shall have been designated under this act, upon which he has not submitted final proof, may make entry of contiguous designated lands, which, with the area of his original entry, shall not exceed 640 acres; if there is not sufficient vacant unreserved land of the proper character adjoining his pending claim

unapplied for by any other person, he may make up the deficiency by entering one or more other tracts lying within a radius of 20 miles from said claim, but the rule of compactness specified in paragraph 5 hereof must be complied with.

One holding an entry under section 7 of the enlarged homestead act upon which residence is required, or an additional entry under section 6 of act of March 2, 1889 (25 Stat. 854), may make an additional entry under this section for such an area of designated land as when added to the erea in the former entries will not exceed 640 acres, regardless of whether or not the land in the original perfected entry may be designated under the stock-raising act.

Section 2 of the act of March 4, 1923 (42 Stat. 1445), provides that a person who made a homestead entry for 160 acres or less of land in a national forest which is of the character contemplated by the stock-raising act, who has not submitted final proof upon his existing entry, may make an additional entry under this section of the act for such an area not in a national forest and within a radius of 20 miles from the original entry as, when added to the area of the original entry, will not exceed 640 acres.

(*b*) On submission of proof on the additional entry, claimant must show residence on one of the tracts to the extent ordinarily required, but will be entitled to credit for residence on the original tract before or after the date of the additional entry; he must also show improvements on the additional tract or tracts to the value of $1.25 for each acre thereof. Proof on the additional entry may be submitted within five years after its allowance, when the requisite residence can be shown, but not before submission of proof on the original. Proof on the original entry must be submitted under the provisions of the law pursuant to which it was made, and within its life, as limited thereby; but, subject to that condition, one proof may be submitted on the two entries jointly.

The marriage of a woman does not disqualify her from making an additional entry under this section; and husband and wife may make entries thereunder, additional to their respective pending entries, if an election as to residence on one of the original entries, as provided by the act of April 6, 1914 (38 Stat. 312), as amended by act of March 1, 1921 (41 Stat. 1193), has been accepted.

ADDITIONAL ENTRIES AFTER PROOF

9. (*a*) Under section 5 of the act any person who has submitted final proof on an entry under the homestead laws for land designated under this act, who owns and resides upon said land, may enter lands so designated contiguous thereto, which, with the area of his original entry shall not exceed 640 acres; the entry may be made to cover land incontiguous to the original claim, in whole or in part, under the same rules set forth in paragraph 5 hereof.

Section 2 of the act of March 4, 1923 (42 Stat. 1445), provides that a person who made a homestead entry for 160 acres or less of land in a national forest which is of the character contemplated by the stock raising act, who has submitted final proof and who owns and resides upon said homestead entry, may make an additional entry for such an area outside of a national forest and within 20 miles

of the perfected entry as, when added to the area of the original entry, will not exceed 640 acres.

One who perfected an entry, by residence thereon, under section 7 of the enlarged homestead act or section 6 of the act of March 2, 1889 (25 Stat. 854), and who owns and resides on the land thus acquired, may make an additional entry hereunder for such an area of designated land as when added to the area in the former entries will not exceed 640 acres, regardless of whether or not the land in the entry first perfected may be designated under the stock-raising act. However, the entry last perfected must be so designated.

If the applicant does not own his last entry perfected by residence thereon or owns same and does not reside thereon, he is not qualified to make additional entry under this section.

One who has made an additional entry under either section 4 or section 5 of the act is qualified to make an additional entry for such a quantity of designated land within 20 miles of the original entry as when added to the area formerly acquired will not exceed approximately 640 acres.

A married woman may make entry under section 5 of the act.

(*b*) In order to acquire title to the land it is necessary only that claimant show the expenditure on the additional tracts of $1.25 per acre for improvements of the kind described in paragraph 7. At least half of such expenditures must be made within three years after allowance of the entry. Proof may be submitted at any time within five years after the entry is allowed.

Where satisfactory proof has been submitted on the original entry the additional entry may be perfected under this section of the act regardless of the question whether it was 3-year, 5-year, or commutation proof.

(*c*) An additional entry made under the first proviso to section 3 of the act by one who owns but does not reside on his original entry may be amended to stand and be completed under section 5 of the act, on proper application and showing of facts, in the event bona fide residence is resumed on the original entry before the intervention of an adverse claim.

ENTRIES IN LIEU OF RELINQUISHED LANDS

10. (*a*) Under section 6 of the act a person, otherwise qualified to make homestead entry, who has a perfected or an unperfected homestead entry for less than 640 acres of land which shall have been designated under this act, on which he resides and which he has not sold, and who is unable to make a full additional entry under the provisions of section 3 thereof, for the reason that there is not sufficient available land within the 20-mile limit to afford him the area to which he is otherwise entitled (as above indicated), may make an entry for the full area of 640 acres within the same land district, provided he shall relinquish the original entry, if not perfected, or reconvey the land to the United States, if final certificate has issued therefor.

(*b*) If proof has not been submitted on the original entry he must with his relinquishment furnish his affidavit, corroborated, so far as possible, by two witnesses, showing that at the time of filing application under this act he resided upon the land covered by said entry;

that he has not sold, transferred, or conveyed the land or any interest therein, or made a contract or agreement so to do; and that there is not within 20 miles of the land embraced in his original entry a tract of land of the character described in this act of area sufficient to make up, with such original entry, the area he is entitled to enter.

(*c*) If final certificate has issued on the first entry, it must be shown by a certificate from the proper recording officer of the county in which the land is situated, or by satisfactory abstract of title, that the applicant has not transferred any interest in the land sought to be reconveyed and that there are no liens, unpaid taxes, or other encumbrances charged against it. Moreover, reconveyance of the land must be made by deed executed by the entryman, and also by his wife if he be married, in accordance with the laws governing the execution of deeds for the conveyance of real estate in the State in which the land is situated. The deed of reconveyance should accompany the application, but should not be recorded until directed by this office. On acceptance of an application of this character the deed will be returned for recording and refiling in your office before the entry is allowed.

(*d*) Where proof has been submitted, but final certificate has not issued, the relinquishment must be accompanied by an abstract of title or certificate of recording officer, as above specified.

(*e*) Where the former entry for land already designated under this act has not been perfected and is relinquished, you will allow the application for entry under this act, if no other objection appears. Where final certificate has issued on the former entry you will promptly forward the application and accompanying papers for consideration by this office.

(*f*) Where the original entry was pending and is relinquished, the land will become subject to appropriation (if not embraced in a withdrawal) when the new entry is allowed. Where the original entry was patented and is reconveyed, an order for restoration of the land will be made upon receipt of a report that the substitute entry has been placed of record.

(*g*) An application under this provision of the law may be accompanied by petition for designation under the act of the land sought and of the tract covered by the former entry, as hereinafter explained.

(*h*) Proof on an entry allowed under this section is governed by the same rules as though it were an original entry under this act.

(*i*) The fact that an applicant owns more than 160 acres of land, acquired otherwise than through homestead entry, does not exclude him from the privileges granted by this section.

PETITIONS FOR DESIGNATION

11. (*a*) The proviso to section 2 of the act confers a preference right of entry upon a person pursuant to whose petition land has been designated. Any person qualified to make an original or an additional entry under this act may file an application to enter a compact body of unappropriated, unreserved, surveyed public land of the character described, which has not already been designated under this act, accompanied by petition, in duplicate, for the designation of such land and of the tract included in any former entry.

(*b*) He must, when he files said application, pay the regular fee and commissions; and if the tract is ceded Indian land, he must at that time pay that part of its price ordinarily required when entry is made. The entire amount paid will be carried in the "Unearned money" account, and will be repaid by the receiver if the application be not allowed.

(*c*) All petitions for the designation of lands presented on behalf of individual applicants should be filed in the local land office. Individual petitions for designation will not be considered unless they are filed in connection with applications to make entry under the act.

12. (*a*) The petition must be in the form of an affidavit, executed in duplicate, and corroborated by at least two witnesses who are familiar with the character of the land. For convenience in filing it is desired that petitions be prepared on sheets not over 8½ by 11 inches in size with margins of 1 inch on the top and the left-hand side. The petition must contain the name and the post-office address of the applicant, a description by legal subdivisions of all the lands involved properly listed by entries with the serial number of each former entry. If the application contemplates the making of an original entry under this act, or if the application relates to a contiguous original and additional entry, only one petition need be filed. If, however, the lands which it is desired to have designated are comprised in two noncontiguous tracts, an additional copy of petition should be filed for each such tract.

(*b*) The petition should set forth in detail the character of each legal subdivision included in an application to make entry under this act and in any former homestead entries made under other acts. The information called for may be shown by means of a map or diagram whenever the facts can be advantageously presented thereby. Photographs of the land, where available, are useful in indicating its character and topography, and when presented should be located with reference to the land lines and to the direction in which they were taken. The location of corners of the public survey by which the applicant has determined the situation or legal description of the land should be indicated on the map or stated in the petition. It is believed that the requirements of these regulations as to furnishing a description of the land can properly be met only by a careful examination of the lands by the applicant, preferably assisted by a competent surveyor. Petitions which are deficient will be returned to the applicant for correction, or he may be required to furnish supplemental affidavits concerning matters not discussed or which have not been described in sufficient detail. Care should be exercised in the preparation of petitions, as inaccuracies and omissions will tend to retard action, while false or misleading statements may lead to the rejection of the application.

(*c*) In the preparation of petitions attention should be given to the following considerations:

Surface water supply.—The relation of the lands to surface streams or springs rising on or flowing across or along them should be indicated, and the location of such water supplies should be accurately described with relation to the lines of the public surveys. If there is no surface water on the land, the location of such near-by sources of water supply upon which the applicant relies or which he proposes to use for stock-watering purposes should be described.

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Underground water supply.—The location of any well or wells which may be present on the land should be described and information furnished in each instance concerning the depth of well, present depth of water, and yield. If there are no wells on the land, information should be furnished concerning any wells in the vicinity which may afford an indication of the probable depth of water on the lands applied for.

Irrigability.—If any part or parts of the land is irrigated, the location and source of water supply of such areas should be stated and the area irrigated in each legal subdivision indicated. If any portion of the land is under constructed or proposed irrigation ditches or canals, is crossed thereby, or is adjacent thereto, the relation of the lands to such water conduits and the possibility of their irrigation therefrom should be explained. If the lands are situated near or are crossed by streams which might afford a water supply for their irrigation, full particulars should be given as to the quantity of water available for this purpose and as to whether or not it can be applied to the lands. If artesian wells exist on or near the land or underground water is found under any part of the land at depths of less than 50 feet, the practicability of irrigating the land from underground sources should be fully discussed.

If the applicant has filed a notice of water appropriation or has acquired a right to use water for domestic, stock-watering, or irrigation purposes on the lands under the State law, a copy of such notice of water appropriation or water right should be furnished. Any attempts to irrigate and reclaim the land under the provisions of the desert land act should be described and the reasons for lack of success stated.

Timber and vegetation.—The character of the surface of the land in both the original and the additional entry as it is at the time of application under this act and of the tree and plant growth thereon should be described and the approximate area in each legal subdivision which is of such character that it is included in each of the following general classes should be shown: Lands containing merchantable timber; lands containing timber which is not merchantable; lands covered with mesquite or similar growth; lands covered with sagebrush; open grass lands; lands covered with greasewood and allied plants; rocky wastes; alkali flats; sand dunes; lands in agricultural crops or under cultivation. If none of the above terms are applicable to any portion of the land, details of its character should be furnished. Where timber occurs an estimate of the amount of such timber on each legal subdivision should be made.

Agricultural value.—The acreage in each legal subdivision which is capable of producing agricultural or forage crops by cultivation should be stated by the applicant, as well as the number of acres which have actually been cultivated. If the applicant or his predecessors in interest have made agricultural use of the land in the original entry, the area planted, the kind of crops raised, the yield, and the value should be stated for the last five seasons, or such part thereof as may have been under cultivation.

Grazing value.—The applicant should indicate the grazing character of all the lands involved by describing them as winter, summer, spring, fall, or permanent range. If the land or any part thereof

has been used for grazing, the nature and extent of such use should be stated. The applicant should also furnish an estimate of the number of head of cattle or other livestock which, in his opinion, can be maintained on the land throughout the year.

(*d*) The applications for entry, if otherwise allowable and accompanied by petitions for designation which are in all respects regular, will be suspended by you and retained in your office. You will forward the two copies of the petition to this office and to the Geological Survey, respectively. Where defects appear in the petitions—especially (as to additional entries) failure to refer in the petition to the tract originally entered—you will call for supplemental evidence, as in other cases; if this is not furnished, you will forward all the papers to this office for consideration, making proper recommendations in connection therewith. If there are defects in an application, aside from the accompanying petition, you will take action in the same manner as with other defective applications for entry.

(*e*) No other entry of the land will be allowed before the application has been finally disposed of. However, later applications therefor should be received and suspended. If withdrawal of an application under this act be filed, you will promptly notify this office thereof, inviting special attention to the pendency of the petition for designation, and will close the case on your records. Prior to final action on the application the applicant's homestead right will be in abeyance, and he will not be entitled to exercise same elsewhere, nor will he be permitted to have two applications under this act pending at the same time.

When designation of all the land involved has become effective you will allow the entry unless the records show that there is possibility of a claim of preferential right for some part of the land under section 8 of the act, in which case the application will remain suspended until the expiration of the preferential right.

Where the land has been designated by the Secretary without deception or fraud on the part of the entryman and the entry has been allowed as a result thereof it will not be subject to contest on a charge that such designation was improperly or erroneously made.

(*f*) If the Geological Survey advises this office that it is unable to classify the land, or some part thereof, as subject to designation, this office will, through the proper local land office, furnish the applicant with a copy of the survey's report and will allow him 30 days within which to file response. At the applicant's option, he may either appeal from the finding to the Secretary of the Interior, alleging errors of law, or he may present further showing as to the facts, accompanied by such evidence as is desired tending to disprove the adverse conclusion reached by the survey.

Such appeal or showing, if filed, will be forwarded by you to this office, whence it will be transmitted to the Geological Survey for further consideration. That bureau will consider the evidence submitted, and if it warrants such action will recommend designation of the land, or, if its conclusion be still adverse, will transmit the record to the Secretary with report. The case will thereafter be considered as having the status of an appeal pending before the Secretary's office.

In cases where the applicant fails to furnish a showing or to appeal from the order of this office requiring him to furnish it within

the 30 days prescribed or where the Secretary refuses designation final action will be taken and the case closed by this office on the basis of the designations which may have been theretofore made.

PREFERENTIAL RIGHTS FOR ADJOINING LAND

13. (*a*) Under section 8 of the act any person who, as the holder of a homestead entry or as patentee thereunder, is entitled to make additional entry under this act has a preferential right to enter lands lying contiguous to his original tract and designated as subject to the act, said right extending for a period of 90 days after the designation takes effect; it covers such contiguous land as the person is qualified to enter under section 4 or section 5 of the act. This right is superior to the right of entry accorded a person who had filed application for entry of the land under this act accompanied by petition for its designation. However, before a designation has been made the land is subject to settlement and entry under any other laws applicable thereto unless there is pending such application and petition.

(*b*) After the designation of land takes effect no application therefor will be allowed under this act or under any other law until 90 days shall have elapsed if the records show that it may conflict with a preferential right to be claimed on account of an entry for adjoining land. Otherwise an application under this act may be allowed immediately on the taking effect of the designation.

Where there is conflict between an application for a tract by a holder of adjoining land claiming a preferential right and an application by one asserting no such right you will allow the former and reject the latter, subject to the usual right of appeal.

Where there is conflict between the applications of two or more persons claiming such preferential right of entry you will, after the expiration of the 90-day period, notify the various applicants that they will be allowed 30 days from receipt of notice within which to agree among themselves upon the division of the tracts in conflict, by subdivisions and that such division will be made by this office in the absence of an agreement. Unless an amicable adjustment is made, you will, pursuant to this notice forward all the papers to this office for consideration, making on your schedules the necessary notations as to the method of transmittal. This office will thereupon make an equitable division of the different subdivisions among the applicants so as to equalize as nearly as possible the areas which the different applicants will have acquired by adding the tracts thus allotted to those originally held or owned by them. An appeal will be allowed from the action of this office.

(*c*) Where there is but one subdivision adjoining the lands of two or more entrymen or patentees entitled to exercise preferential right of entry and seeking to assert same, said subdivision will be awarded to that person who first files application therefor with an assertion of such right.

(*d*)[1] A preferential claim can not be recognized unless, on the date the designation of the land in question becomes effective, the

[1] In adopting this rule on Aug. 29, 1921, the department directed that it was to be effective only from Sept. 1, 1921.

land originally entered by the claimant has been designated under the act or there is pending a petition by such claimant for the designation of the land originally entered by him.

(*e*) A settlement right under any other applicable law, if initiated prior to designation or application and petition, will, if asserted in time, defeat a claim of preference right hereunder. This right may not be defeated by settlement pursuant to an unallowed stock-raising application.

(*f*) The preference right of entry accorded to contestants by the act of May 14, 1880 (21 Stat. 140), is in no way affected by any of the provisions of this act.

(*g*) The fact that a person presents, with his application for entry, under this act, the relinquishment of a former entry covering the tract sought confers upon him no preference right for entry of the land, and such application is subject to the preferential right given by section 8 of the stock-raising homestead law.

(*h*) An applicant for additional entry can not assert a preferential right as against a claimant whose application was filed before the date of the original entry of the former.

(*i*) The preferential right granted by section 8 of this act is superior to the preferential right granted to ex-service men of the war with Germany by Public Resolution No. 36, approved January 21, 1922, which amended joint resolution of February 14, 1920 (41 Stat. 434).

(*j*) A person holding an additional entry under section 6 of the act of March 2, 1889 (25 Stat. 854), or an additional entry under section 7 of the enlarged homestead act, on which additional entry claimant is residing, or who owns and resides on land acquired under such entries, is entitled to a preferential right to enter stock-raising land adjoining such entries regardless of whether or not the land in the original entry under the general homestead laws may be designated under the stock raising act.

DISPOSAL OF COAL AND OTHER MINERAL DEPOSITS

14. (*a*) Section 9 of the act provides that all entries made and patents issued under its provisions shall contain a reservation to the United States of all coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same; also that the coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal.

Said section 9 also provides that any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented under the act, for the purpose of prospecting for the coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on the land by reason of such prospecting.

It is further provided in said section 9 that any person *who has acquired from the United States the coal or other mineral deposits*

in any such land or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal, or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; or, second, upon payment of the damages to crops or other tangible improvements to the owner thereof under agreement; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure payment of such damages to the crops or tangible improvements of the entryman or owner as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon. This bond, the form whereof will be found printed in the appendix hereto, must be executed by the person who has acquired from the United States the coal or other mineral deposits reserved, as directed in said section 9, as principal with two competent individual sureties, or a bonding company which has complied with the requirements of the act of August 13, 1894 (28 Stat. 279), as amended by the act of March 23, 1910 (36 Stat. 241), and must be in the sum of not less than $1,000. Qualified corporate sureties are preferred and may be accepted as sole surety. Except in the case of a bond given by a qualified corporate surety there must be filed therewith affidavits of justification by the sureties and a certificate by a judge or clerk of a court of record, a United States district attorney, a United States commissioner, or a United States postmaster as to the identity, signatures, and financial competency of the sureties. Said bond, with accompanying papers, must be filed with the register and receiver of the local land office of the district wherein the land is situate, and there must also be filed with such bond evidence of service of a copy of the bond upon the homestead entryman or owner of the land.

If at the expiration of 30 days after the receipt of the aforesaid copy of the bond by the entryman or owner of the land no objections are made by such entryman or owner of the land and filled with the register and receiver against the approval of the bond by them, they may, if all else be regular, approve said bond. If, however, after receipt by the homestead entryman or owner of the lands of copy of the bond, such homestead entryman or owner of the land timely objects to the approval of the bond by said local officers, they will immediately give consideration to said bond, accompanying papers, and objections filed as aforesaid to the approval of the bond, and if, in consequence of such consideration by them, they shall find and conclude that the proffered bond ought not to be by them approved, they will render decision accordingly and give due notice thereof to the person proffering the bond, at the same time advising such person of his right of appeal to the Commissioner of the General Land Office from their action in disapproving the bond so filed and proffered. If, however, said local officers, after full and complete examination and consideration of all the papers filed, are of the opinion that the proffered bond is a good and sufficient one and that the objections interposed as provided herein against the approval thereof by them do not set forth sufficient reasons to justify them in refusing to approve said proffered bond, they will,

in writing, duly notify the homestead entryman or owner of the land of their decision in this regard and allow such homestead entryman or owner of the land 30 days in which to appeal to the Commissioner of the General Land Office. If appeal from the adverse decision of the register and receiver be not timely filed by the person proffering the bond, the local officers will indorse upon the bond "disapproved" and other appropriate notations, and close the case. If, on the other hand, the homestead entryman or owner of the lands fails to timely appeal from the decision of the register and receiver adverse to the contentions of said homestead entryman or owners of the lands, said register and receiver may, if all else be regular, approve the bond.

The coal and other mineral deposits in the lands entered or patented under the act will become subject to existing laws, as to purchase or lease, at any time after allowance of the homestead entry, unless the lands or the coal or other mineral deposits are, at the time of said allowance, withdrawn or reserved from disposition.

(*b*) Every application to make homestead entry under this act must contain a statement to the effect that the entry is made subject to a reservation to the United States of all the coal or other minerals in the land, together with the right to prospect for, mine, and remove the same; that no part of the land is claimed, occupied, or being worked under the mining laws; and that the land is unoccupied and unappropriated by any person claiming the same under the public land laws other than the applicant. (See Forms 4–016 and 4–016a, Appendix.) The face of final certificates issued on every homestead entry made under the provisions of this act must bear the following:

Patent to contain reservation of coal and other minerals, and conditions and limitations as provided by act of December 29, 1916 (39 Stat. 862).

There will be incorporated in patent issued on homestead entries under this act the following:

Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove all the coal and other minerals from the same upon compliance with the conditions, and subject to the provisions and limitations, of the act of December 29, 1916 (39 Stat. 862).

Mineral applications and coal-declaratory statements and applications under the coal and mining laws for the reserved deposits disposable under the act must bear on the face of the same, before being signed by the declarant or applicant and presented to you, the following notation:

Patents shall contain appropriate notations declaring same subject to the provisions of the act of December 29, 1916 (39 Stat. 862), with reference to disposition, occupancy, and use of the land as permitted to an entryman under said act.

Like notation will be made by the register and receiver on final certificates issued by them for the reserved mineral deposits disposable under and subject to the provisions of this act.

DRIVEWAYS FOR STOCK

15. The reservation of driveways for stock provided for in section 10 of the act will be considered on application of parties interested, on recommendation of other departments of the Government,

or on the reports of agents of this department. Lands withdrawn for driveways for stock or in connection with water holes can not thereafter be entered, and all applications to make entry under this act for land so withdrawn, whether filed before or after the withdrawal, will be rejected.

SETTLEMENT AND IMPROVEMENT PRIOR TO DESIGNATION

16. The act of June 6, 1924 (Public, No. 206), permits a person who applies to make entry under the stock raising homestead act for an undesignated tract of land and files therewith a petition for its designation to occupy the land prior to its designation, provided he actually establishes residence on the land and continues to reside thereon during such occupation; and if the petition for designation be denied, the settler may change his application to one under the enlarged homestead act or to one under the ordinary provisions of the homestead law, provided he is qualified to make such an entry.

An applicant who desires to change his application to one under the enlarged homestead act must file in the local office, before *final* action is taken on the stock-raising homestead application, a supplemental application on the form prescribed by the Department for making such entries, and if there be pending a junior application to make entry under any law other than the stock raising homestead act, the applicant must also file his affidavit, corroborated by two persons, setting forth therein the date when he established actual residence on the land and to what extent the residence was thereafter maintained. The affidavit should describe the legal subdivisions on which residence was maintained and on which the improvements are located. An entry under the enlarged homestead act may not include two incontiguous tracts, except additional entries may embrace two or more incontiguous tracts if they are contiguous to the original entry.

If the land sought under a change of application has not been designated under the enlarged homestead act, a proper petition for its designation must be filed in accordance with existing regulations.

An entryman under the stock-raising homestead act may claim credit for residence on the land and improvements made after the date of his application and petition for designation.

MISCELLANEOUS PROVISIONS

17. Proofs on entries under this act must be submitted within five years after the dates of their allowance, and no such entry is subject to commutation.

18. Every person applying for entry under this act who has heretofore made entry or entries under the homestead laws must furnish a description thereof or such data as will enable this office to identify it or them.

19. A person who has made entry under section 6 of one of the enlarged homestead acts may make an additional entry under the provisos to section 3 or under section 4 or 5 of this act, provided all be designated as stock-raising land; but he must reside on the land entered under this act or on that originally entered, to the extent required by the 3-year homestead act.

20. Where a person made an additional entry under section 6 of the act of March 2, 1889 (25 Stat. 854), for lands stock raising in character, it may be used as a basis for an additional entry under the stock raising act for the difference in area between the area in the former homestead entries and 640 acres, even though the land in such section 6 entry be more than 20 miles from the land in the original entry, but the land in the additional stock-raising entry must be within 20 miles of the land in such section 6 entry, and it is immaterial as to whether or not the land in the first or original entry is stock raising in character.

21. A section 7 additional entry under the enlarged homestead act on which residence is being maintained may be the basis for an additional entry under the stock raising act, regardless of whether or not the land in the original entry may be designated under the stock raising act and whether or not the land in the section 7 entry is more than 20 miles from that in the original entry.

22. You will not allow, without instructions from this office, any application to contest an entry under the stock raising homestead act where fraud and misrepresentation in securing the designation of the land are alleged. On receipt of such an application to contest you will transmit the papers to this office by special letter with a request for instructions, making appropriate reference hereto. Such applications to contest will be rejected where it appears, from the records of the department, that the designation of the land was preceded by and based on a field investigation.

Very respectfully,

WILLIAM SPRY,
Commissioner.

Approved:
E. C. FINNEY,
First Assistant Secretary.

FORM OF APPLICATIONS FOR ORIGINAL ENTRY

4-016

[Form approved by the Secretary of the Interior, February 18, 1921]

DEPARTMENT OF THE INTERIOR

STOCK-RAISING HOMESTEAD ENTRY—ORIGINAL

Serial No. _____
United States Land Office_____ Receipt No. _____

APPLICATION AND AFFIDAVIT

I, _____ (_____), of
(Give full Christian name) (Male or female)

_____, do hereby
(Give post-office address)

apply to enter, under the act of December 29, 1916 (39 Stat. 862), subject to the reservation to the United States of all coal and other minerals in the land, together with the right to prospect for, mine, and remove the same, _____ section _____ township _____, range _____ meridian, containing _____ acres.

I do solemnly swear that I am not the proprietor of more than 160 acres of land in any State or Territory; that I _____ citizen of

(Applicant must state whether native born, naturalized, or has filed declaration of intention to become a citizen. If not native born, certified copy of naturalization or declaration of intention, as case may be, must be filed with this application.)

the United States; and am _____; that this

(State whether the head of a family, married or unmarried, or over 21 years of age, and if not over 21, applicant must set forth the facts which constitute him the head of a family.)

application is honestly and in good faith made for the purpose of actual settlement, use, and improvement by the applicant, and not for the benefit of any other person, persons, or corporation; that I will faithfully and honestly endeavor to comply with all the requirements of law as to settlement and improvements necessary to acquire title to the land applied for; that I am not acting as agent for any person, corporation, or syndicate in making this entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered or any part thereof, or the timber thereon; that I do not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for myself, and that I have not, directly or indirectly, made, and will not make, any agreement or contract, in any way or manner, with any person or persons, corporation, or syndicate whatsoever, by which the title which I may acquire from the Government of the United States will inure in whole or in part to the benefit of any person except myself. I have not heretofore made any entry under the timber and stone, desert land, or preemption laws, except as follows: _____
I have not heretofore made a homestead entry except as follows: _____
I further state that the land is not occupied and improved by any Indian; that it does not contain merchantable timber and no timber except _____; is not susceptible of irrigation from any known source of water supply, except the following areas:

_____
(Here give subdivisions and areas of the land, if any, susceptible of irrigation)

and does not contain any water hole or other body of water needed or used by the public for watering purposes; that no part of said land is claimed, occupied, or being worked under the mining laws; that said land is unoccupied and unappropriated by any person claiming the same under the public land laws other than myself; that the land is chiefly valuable for grazing and raising forage crops.

_____
(Sign here with full Christian name)

NOTE.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See sec. 125, U. S. Criminal Code, below.)

I hereby certify that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known (or has been satisfactorily identified before me by _____); that I verily believe
(Give full name and post-office address)
affiant to be a qualified applicant and the identical person hereinbefore described; and that said affidavit was duly subscribed and sworn to before me at my office in _____
(Town) (County and State)
within the _____land district, this _____day of _____, 192___

_____

_____
(Official designation of officer)

We _____, of _____
and _____, of _____
do solemnly swear that we are well acquainted with the above-named affiant and the lands described, and personally know that the statements made by him relative to the character of the said lands are true.

_____

_____

I hereby certify that the foregoing affidavit was read to or by affiants in my presence before affiants affixed signatures thereto; that affiants are to

me personally known (or have been satisfactorily identified before me by _____); and that said affidavit was duly subscribed
(Give full name and post-office address)
and sworn to before me at_____ this_____ day of_____192___

_____
_____
(Official designation of officer)

UNITED STATES LAND OFFICE AT_____,
_____, 192___.

I hereby certify that the foregoing application is for surveyed land of the class which the applicant is legally entitled to enter under the act of December 29, 1916; that there is no prior valid adverse right to the same, and has this day been allowed.

_____,
Register.

UNITED STATES CRIMINAL CODE

SEC. 125. Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall, willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years. (Act Mar. 4, 1909, 35 Stat. 1111.)

FORM OF APPLICATION FOR ADDITIONAL ENTRY

4–016a

[Form approved by the Secretary of the Interior, December 13, 1921]

DEPARTMENT OF THE INTERIOR

STOCK-RAISING HOMESTEAD ENTRY—ADDITIONAL

United States Land Office_____ {Serial No._____ / Receipt No._____

APPLICATION AND AFFIDAVIT

I, _____, of _____, do hereby apply
(Give full Christian name) (Post-office address)
to enter under section _____ of the act of
State under which section of act application is filed
December 29, 1916 (39 Stat., 862), subject to the reservation to the United States of all coal and other minerals in the land, together with the right to prospect for, mine, and remove the same, _____
section _____, township _____, range _____, _____ meridian, containing _____ acres, as additional to my homestead entry No. _____, made _____ at _____ land office, for _____ section _____, township _____, range_____, _____ meridian, which I do _____ *now own* and reside upon.

(If the statement is not true, insert "not.") (If under section 3, show qualifications of an original entryman.)

I do solemnly swear that this application is made for my exclusive benefit as an addition to my original homestead entry, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; that this application is honestly and in good faith made for the purpose of actual settlement, use, and improvement; that I will faithfully and honestly endeavor to comply with all the requirements of the law; that I have not heretofore made an entry under the timber and stone, desert land, or preemption laws, except as follows: _____; that I have not heretofore made an entry under the homestead laws (other than that above described) except _____.

I further state that the land applied for is not occupied and improved by any Indian; that no part of said land is claimed, occupied or being worked under the mining laws; that said land is unoccupied and unappropriated by any person claiming the same under the public-land laws other than myself; that the land now applied for and that embraced in my original entry above described does not contain merchantable timber and no timber except _____; is not susceptible of irrigation from any known source of water supply, except the following areas: _____

(Here give the subdivisions and areas of the land, if any, susceptible of irrigation)

and does not contain any water hole or other body of water needed or used by the public for watering purposes; that the land is chiefly valuable for grazing and raising forage crops.

_____

(Sign here, with full Christian name)

NOTE.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See sec. 125, U. S. Criminal Code, below.)

I hereby certify that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known (or has been satisfactorily identified before me by _____); that I verily believe

(Give full name and post-office address)

affiant to be a qualified applicant and the identical person hereinbefore described; and that said affidavit was duly subscribed and sworn to before me, at my office in _____

(Town) (County and State)

within the _____land district, this_____ day of_____, 192____

_____

_____

(Official designation of officer)

We, _____, of _____ and _____, of _____ do solemnly swear that we are well acquainted with the above-named affiant and the lands described, and personally know that the statements made by him relative to the character of the said lands are true.

_____

_____

I hereby certify that the foregoing affidavit was read to or by affiants in my presence before affiants affixed signatures thereto; that affiants are to me personally known (or have been satisfactorily identified before me by _____); and that said affi-

(Give full name and post-office address)

davit was duly subscribed and sworn to before me at_____ this _____ day of _____, 192____

_____

_____

(Official designation of officer)

UNITED STATES LAND OFFICE AT_____,

_____, 192____

I hereby certify that the foregoing application is for surveyed land of the class which the applicant is legally entitled to enter under the act of December 29, 1916; that there is no prior valid adverse right to the same, and has this day been allowed.

_____,

Register.

UNITED STATES CRIMINAL CODE

SEC. 125. Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years. (Act Mar. 4, 1909, 35 Stat. 1111.)

FORM OF BOND FOR MINERAL CLAIMANTS

4–684

[Form approved by the Secretary of the Interior, Jan. 18, 1917]

Know all men by these presents: That I, _____
(Give full name of principal
of _____, _____ County (or we, _____, of _____, _____ County, _____,
and sureties, and address of each)
and _____, of _____, _____ County, _____, as the case may be, a citizen (or citizens) of the United States, or having declared my (or our) intention to become a citizen (or citizens) of the United States, as principal (or principals), and _____, of _____, _____ County, _____, and _____ of _____, _____ County, _____, as sureties, are held and firmly bound unto the United States of America, for the use and benefit of the hereinafter-mentioned entryman or owner of the hereinafter-described lands, whereof homestead entry has been made subject to the act of December 29, 1916 (39 Stat. 862), in the sum of _____ dollars ($_____), lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, successors, and assigns, and each and every one of us and them, jointly and severally, firmly by these presents.

Signed with our hands and sealed with our seals this _____ day of _____, 19_____.

The condition of this obligation is such that, whereas the above-bounden _____ has acquired from the United States the _____ deposits (together with the right to mine and remove the same) situate, lying, and being within the _____ of sec. _____, township _____, range ____, _____ land district, _____, and whereas homestead entry, serial No. _____ has been made at _____ land office, of the surface of said above-described land, under the provisions of said act of December 29, 1916, by _____.

Now, therefore, if the above-bounden parties or either of them, or the heirs of either of them, their executors or administrators, upon demand, shall make good and sufficient recompense, satisfaction, and payment unto the said entryman or owner, his heirs, executors, or administrators, or assigns, for all damages to the entryman's or owner's crops or tangible improvements upon said homesteaded land as the said entryman or owner shall suffer or sustain or a court of competent jurisdiction may determine and fix in an action brought on this bond or undertaking, by reason of the above-bounden principal's mining and removing the _____ deposits from said described land, or occupancy or use of said surface as permitted to said above-bounden principal under the provisions of said act of December 29, 1916, then this obligation shall be null and void; otherwise and in default of a full and complete compliance with either or any of said obligations, the same shall remain in full force and effect.

Signed and sealed in the presence of and witnessed by the undersigned:

_____
Residence_____

_____
Residence_____
(Witnesses should give full names and addresses of each)

_____
Principal
(The principal should sign first)

_____
Surety
Residence_____

_____
Surety

Residence_____
(The principal and sureties should each sign full names and attach seals)

An act to provide for stock-raising homesteads, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding six hundred and forty acres of unappropriated unreserved public land in reasonably compact form: *Provided, however,* That the land so entered shall theretofore have been designated by the Secretary of the Interior as "stock-raising lands."

SEC. 2. That the Secretary of the Interior is hereby authorized, on application or otherwise, to designate as stock-raising lands subject to entry under this act lands the surface of which is, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that six hundred and forty acres are reasonably required for the support of a family: *Provided*, That where any person qualified to make original or additional entry under the provisions of this act shall make application to enter any unappropriated public land which has not been designated as subject to entry (provided said application is accompanied and supported by properly corroborated affidavit of the applicant, in duplicate, showing prima facie that the land applied for is of the character contemplated by this act), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character. That during such suspension the land described in the application shall not be disposed of; and if the said land shall be designated under this act, then such application shall be allowed; otherwise it shall be rejected, subject to appeal; but no right to occupy such lands shall be acquired by reason of said application until said lands have been designated as stock-raising lands, unless the applicant actually establishes his residence and resides on the land; and until final action on such application, the settler may, if the land be not designated under this act, change his application to one under the enlarged homestead law if such lands be designated thereunder, or to one under the ordinary provosions of the homestead law: *Provided*, That if the settler shall change his application he shall embrace therein the lands upon which his residence and principal improvements are located, and conform to the provisions, limitations, and conditions of the applicable law.

SEC. 3. That any qualified homestead entryman may make entry under the homestead laws of lands so designated by the Secretary of the Interior, according to legal subdivisions, in areas not exceeding six hundred and forty acres, and in compact form so far as may be subject to the provisions of this act, and secure title thereto by compliance with the terms of the homestead laws: *Provided*, That a former homestead entry of land of the character described in section two hereof shall not be a bar to the entry of a tract within a radius of twenty miles from such former entry under the provisions of this act, which, together with the former entry, shall not exceed six hundred and forty acres, subject to the requirements of law as to residence and improvements, except that no residence shall be required on such additional entry if the entryman owns and is residing on his entry: *Provided further*, That the entryman shall be required to enter all contiguous areas of the character hereing described open to entry prior to the entry of any noncontiguous land: *Provided further*, That instead of cultivation as required by the homestead laws the entryman shall be required to make permanent improvements upon the land entered before final proof is submitted tending to increase the value of the same for stock-raising purposes, of the value of not less than $1.25 per acre, and at least one-half of such improvements shall be placed upon the land within three years after the date of entry thereof.

SEC. 4. That any homestead entryman of lands of the character herein described who has not submitted final proof upon his existing entry shall have the right to enter subject to the provisions of this act, such amount of lands designated for entry under the provisions of this act, within a radius of twenty miles from said existing entry, as shall not, together with the amount embraced in his original entry, exceed six hundred and forty acres, and residence upon the original entry shall be credited on both entries, but improvements must be made on the additional entry equal to $1.25 for each acre thereof. *Provided*, That the entryman shall be required to enter all contiguous areas of the character herein described open to entry prior to the entry of any noncontiguous land.

SEC. 5. That persons who have submitted final proof upon, or received patent for, lands of the character herein described under the homestead laws, and who own and reside upon the land so acquired, may, subject to the provisions of this act, make additional entry for and obtain patent to lands designated for entry under the provisions of this act, within a radius of twenty miles from the lands theretofore acquired under the homestead laws, which, together with the area theretofore acquired under the homestead laws, shall not exceed six

hundred and forty acres, on proof of the expenditure required by this act on account of permanent improvements upon the additional entry: *Provided*, That the entryman shall be required to enter all contiguous areas of the character herein described open to entry prior to the entry of any noncontiguous land.

SEC. 6. That any person who is the head of a family or who has arrived at the age of twenty-one years and is a citizen of the United States, who has entered or acquired under the homestead laws, prior to the passage of this act, lands of the character described in this act, the area of which is less than six hundred and forty acres, and who is unable to exercise the right of additional entry herein conferred because no lands subject to entry under this act adjoin the tract so entered or acquired or lie within the twenty-mile limit provided for in this act, may, upon submitting proof that he resides upon and has not sold the land so entered or acquired and against which land there are no encumbrances, relinquish or reconvey to the United States the land so occupied, entered, or acquired, and in lieu thereof, within the same land-office district, may enter and acquire title to six hundred and forty acres of the land subject to entry under this act, but must show compliance with all the provisions of this act respecting the new entry and with all the provisions of existing homestead laws except as modified herein.

SEC. 7. That the commutation provisions of the homestead laws shall not apply to any entries made under this act.

SEC. 8. That any homestead entrymen or patentees who shall be entitled to additional entry under this act shall have, for ninety days after the designation of lands subject to entry under the provisions of this act and contiguous to those entered or owned and occupied by him, the preferential right to make additional entry as provided in this act: *Provided*, That where such lands contiguous to the lands of two or more entrymen or patentees entitled to additional entries under this section are not sufficient in area to enable such entrymen to secure by additional entry the maximum amounts to which they are entitled, the Secretary of the Interior is authorized to make an equitable division of the lands among the several entrymen or patentees applying to exercise preferential rights, such divisions to be in tracts of not less than forty acres, or other legal subdivision, and so made as to equalize as nearly as possible the area which such entrymen and patentees will acquire by adding the tracts embraced in additional entries to the lands originally held or owned by them: *Provided further*, That where but one such tract of vacant land may adjoin the lands of two or more entrymen or patentees entitled to exercise preferential right hereunder, the tract in question may be entered by the person who first submits to the local land office his application to exercise said preferential right.

SEC. 9. That all entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon,

such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situate, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this act with reference to the disposition, occupancy, and use of the land as permitted to an entryman under this act.

SEC. 10. That lands containing water holes or other bodies of water needed or used by the public for watering purposes shall not be designated under this act but may be reserved under the provisions of the act of June 25, 1910, and such lands heretofore or hereafter reserved shall, while so reserved, be kept and held open to the public use for such purposes under such general rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary may, in his discretion, also withdraw from entry lands necessary to insure access by the public to watering places reserved hereunder and needed for use in the movement of stock to summer and winter ranges or to shipping points, and may prescribe such rules and regulations as may be necessary for the proper administration and use of such lands: *Provided further*, That such driveways shall not be of greater number or width than shall be clearly necessary for the purpose proposed, and in no event shall be more than one mile in width for a driveway less than twenty miles in length, not more than two miles in width for driveways over twenty and not more than thirty-five miles in length, and not over five miles in width for driveways over thirty-five miles in length: *Provided further*, That all stock so transported over such driveways shall be moved an average of not less than three miles per day for sheep and goats and an average of not less than six miles per day for cattle and horses.

SEC. 11. That the Secretary of the Interior is hereby authorized to make all necessary rules and regulations in harmony with the provisions and purposes of this act for the purpose of carrying the same into effect.

The above is the act of December 29, 1916 (39 Stat. 862), as amended by the act of October 25, 1918 (40 Stat. 1016), the act of September 29, 1919 (41 Stat. 287), and the act of June 6, 1924 (Public No. 206).

An Act For the relief of certain homestead entrymen

SEC. 2. That any homestead entryman of one hundred and sixty acres or less of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of the stock raising homestead act of December 29, 1916, who has not submitted final proof upon his existing entry, and also any homestead entryman who has submitted final proof or received patent, for such an amount of lands that are of the character described as subject to entry under the provisions of the said stock raising homestead act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land of that same character, not in a national forest and within a radius of twenty miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed six hundred and forty acres, and residence upon the original entry shall be credited on both entries; but improvements must be made on the additional entry equal to $1.25 for each acre thereof. For the purposes of this act the Secretary of the Interior is authorized to designate under the stock raising homestead act lands embraced, at the time of such designation, within valid subsisting entries within national forests.

Approved March 4, 1923 (42 Stat. 1445).

U. S. GOVERNMENT PRINTING OFFICE: 1931

CIRCULAR No. 524.

IMPERFECT APPLICATIONS AND PETITIONS UNDER ACT OF DECEMBER 29, 1916.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 27, 1917.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Because of the fact that the approved forms (4–016 and 4–016a) have not heretofore been available, applications filed under the act of December 29, 1916 (Public, No. 290), are doubtless imperfect.

Unless applications heretofore or hereafter filed contain substantially the allegations prescribed in the approved forms, you will reject them, subject to the right, for 30 days from notice, to make proper amendment or to appeal.

In cases where such applications are executed on the forms prescribed for making entry under the enlarged-homestead law, they can be amended by filing the following:

I hereby consent to the amendment of my application to make homestead entry for (here describe land) by the insertion therein of the following:

"Application made subject to the reservation to the United States of all coal and other minerals in the land, together with the right to prospect for, mine, and remove the same, as provided by the act of December 29, 1916 (Public, No. 290)."

I do solemnly swear that the land applied for does not contain any water hole or other body of water needed or used by the public for watering purposes, and that the land is chiefly valuable for grazing and raising forage crops.

The affidavit must be executed before an officer authorized to administer oaths in public-land cases, and must be corroborated by the affidavits of two witnesses, similarly executed.

The preferable method of amending an imperfect application is by the execution of a new application on an approved form. If this is done, care should be exercised to plainly mark the reexecuted application "Supplemental."

However, Circular No. 523 requires applicants in certain cases to supplement their applications by additional affidavits. Nothing herein contained is intended to in any way modify those requirements.

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Should an imperfect application show that applicant is not qualified to make the entry applied for, you will disregard the defects and reject the application, subject to the usual right of appeal.

Doubtless many petitions for designation have been filed which fail to make the showing required by the regulations set forth in Circular No. 523. You will, therefore, forward to such petitioners, by ordinary mail (unless you are making other requirements by registered mail), a copy hereof, together with a copy of said Circular No. 523, which will thus constitute a notice that the petition theretofore filed will not be forwarded to this office until the expiration of 30 days from the mailing of the circulars, during which time he will be allowed to file an amended petition, making the showing required by the regulations. You will, after the lapse of 30 days from the mailing of the circulars, if no response is received (provided the application to make entry is in all respects regular), forward the original petition, noting thereon the following:

(Date) Circulars mailed.
(Date) No action taken.

Attach Form 4–007d to the face of all petitions for designation before forwarding.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1917

Sec 1850 + 1861

CIRCULAR No. 528.

SOLDIERS' ADDITIONAL RIGHTS UNDER SECTIONS 2306 AND 2307, REVISED STATUTES.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 16, 1917.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Under date of February 15, 1917, the Secretary of the Interior made the following administrative ruling:

Sections 2306 and 2307, Revised Statutes, provide as follows:

"SEC. 2306. Every person entitled, under the provisions of section twenty-three hundred and four, to enter a homestead who may have heretofore entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

"SEC. 2307. In case of the death of any person who would be entitled to a homestead under the provisions of section two thousand three hundred and four, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvement therein contained; but if such person died during his term of enlistment, the whole term of his enlistment shall be deducted from the time heretofore required to perfect the title."

The soldier's additional right thus created inures, first of all, to the soldier, to be exercised by him personally by entry of additional land, or, on authority deduced from Webster *v.* Luther (163 U. S., 331), which involved the exercise of the additional right by a soldier's widow, based on *her own original entry*, by sale and assignment to another, whereby in that manner he acquires the personal benefit intended by Congress.

Section 2307 provides for the devolution of this right if not exercised by the soldier in his lifetime. It is a distinct grant of the right or a similar right, first, to the widow under certain conditions, then to the minor children, acting through a guardian duly appointed and accredited at the Department of the Interior. The grant may be properly described as a grant of power, the exercise of which is essential to the creation of a tangible property right. Congress has expressly designated the parties who may exercise that power. The grant contains no words of inheritance, and the terms of the sections imply that the ordinary law of descent and distribution is inapplicable. Like the grant of a right of a pension to a soldier or to his widow, or to his minor children under sixteen, the privilege is personal and is not descendible.

The Land Department has not, since the decision in Webster *v.* Luther, given a construction to the law that confines the benefit of these sections to the parties expressly enumerated. It has assumed that upon the failure of all of the beneficiaries to appropriate the right, the right passed by descent to others. It has held that where the widow and the minor orphan children failed to avail themselves of the right left unexercised by the soldier, the right reverted to the latter's estate and became an

asset thereof. More lately it has held that this is not so; that the right passes by devolution to the minor children and stops there, becoming an asset of their estate, subject to administration and to sale by an administrator. Soldiers' additional rights have been sold by administrators expressly appointed for that purpose, and at the instance of parties whose business it is to speculate in the rights. This has happened even where the soldier, or the minor child, left no heirs, the theory of the application for administration being that the State had an interest by escheat. Administrators have sold these rights to the party active in procuring administration for relatively trivial sums, no one but the assignee deriving any substantial benefit.

The department is convinced that it was never in the mind of Congress that these rights should pass beyond the limits indicated in the sections. Out of gratitude to the soldier, Congress desired to confer upon him personally a material benefit; or if he died before gaining that benefit, upon those *dependent upon him*—his widow or his *minor* orphan children; not upon his adult children, not upon collateral heirs, and certainly not, in the absence of any heir, upon some State or foreign Government.

Overruling then all decisions or expressions in decisions in so far as they may be in conflict herewith, the department construes the act to mean that the soldier's additional right may be used (1) by the soldier in his lifetime either directly by entering the land or indirectly, in his lifetime, by conveying his right to entry to an assignee; or (2), similarly, by the widow, while her status as widow of the soldier continued; or (3), similarly, in the absence of appropriation by the soldier or his widow, by the minor orphan children, during their minority, acting through their lawful guardian. If this right is not exercised in the manner indicated and within the term during which it was appropriable, the right lapses and ceases to exist. Unused, it never becomes an asset of the estate of the soldier, widow, or child.

Mindful, however, that encouraged by a practice for some time not in harmony with this construction, many persons have in good faith and for a valuable consideration purchased such rights from administrators or heirs, so that some might advance the claim that the practice now to be terminated has become as to innocent purchasers practically a rule of property on which they relied, the construction hereby placed upon sections 2306 and 2307 will not in operation be treated as retroactive—that is, where the right was actually sold and the transaction wholly completed and formally consummated by actual delivery of the written assignment prior to the date hereof.

The Commissioner of the General Land Office, and the officers who are under him, are instructed that no soldier's additional right assigned by the heirs generally or by the administrator of the estate of a deceased soldier or of his widow, or of his minor orphan children, or directly by such "minor children" after they shall have reached majority, thus assigned after the date hereof, will be recognized as the valid basis of entry of public land.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1917

APPLICATIONS FOR REDUCTION OF AREA OF CULTIVATION ON HOMESTEADS IN NATIONAL FORESTS.

INSTRUCTIONS.

[Circular No. 530.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 21, 1917.

REGISTERS AND RECEIVERS,
UNITED STATES LAND OFFICES:

You are directed to forward to the proper Forest officer all applications hereafter filed for reduction of the area required to be cultivated on homesteads under the Act of June 6, 1912, *where the lands involved are embraced in a National Forest.* The investigation of all such applications will in the future be made by the Forest Service.

CLAY TALLMAN,
Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

INDIAN OCCUPANTS OF RAILROAD LANDS—ACTS MARCH 4, 1913, AND APRIL 11, 1916.

INSTRUCTIONS.

[Circular No. 533.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 12, 1917.

REGISTERS AND RECEIVERS,
U. S. LAND OFFICES IN ARIZONA, CALIFORNIA AND NEW MEXICO:

Indian occupants of railroad lands who are entitled to the benefits of the act of March 4, 1913 (37 Stat., 1007), as extended by the act of April 11, 1916 (39 Stat., 48), should file in the proper local land offices their applications for allotment in the usual manner. Each application must be accompanied by a showing to the effect that the Indian claiming the benefits of the act has occupied the land involved for the required period of five years or more. Said showing may consist of the affidavit of the applicant, setting forth when the occupancy began, how long it continued, just what it consisted of, and such other pertinent facts as will enable the Department to determine the nature and extent of the alleged occupancy. This affidavit must be corroborated by at least two witnesses familiar with the facts. When such applications and showings are filed in the proper local offices, the registers and receivers will transmit them to this office, observing the instructions contained in Circular No. 403 of April 24, 1915 [44 L. D., 86].

2. When an application and the accompanying showing reach this office they will be examined, and if on their face they show that the Indian is qualified to make an allotment under existing law and has

occupied the land applied for in accordance with the requirements of the said act, the railroad company will be called upon for a statement as to whether it owns the land, and if so, whether it would be willing to reconvey it under said act in case it be found that the Indian's occupancy is sufficient and he would be otherwise qualified to take an allotment of the land. If the company or its assigns decline to entertain the suggestion of reconveyance then the Indian's application will be rejected; but if a reply is made in the affirmative, field examination will be directed not only with reference to the Indian's qualifications and his occupancy of the land, but also as to the value of the land. Should the field examination show that the Indian has not occupied the land as required by the statute or that he would otherwise be disqualified to take an allotment of it, charges will be lodged against his claim and the matter will proceed to a final determination under the usual procedure. Should decision be favorable to the Indian's claim upon the report of the field examiner or upon the hearing, as the case may be, the railroad company will then be requested to convey the land to the United States by proper deed or relinquishment with evidence of title and the non-alienation and non-encumbrance of such title. The instrument of conveyance should not be recorded until it has been accepted by the Department. Should the deed or relinquishment be accepted, it will be returned to the company to be properly recorded on the records of the county in which the land involved is situated, after which it will be retransmitted for the files of this office. When the deed or relinquishment has been properly recorded and returned to this office suitable notations of the conveyance will be made upon the records of this and the local office, after which appropriate action will be taken on the Indian's application for allotment with a view of its allowance.

After a deed or relinquishment has been accepted, recorded, and returned to this office, the railroad company may make selection of other vacant non-mineral, non-timbered, surveyed public lands of equal area and value situated in the same State, in accordance with the provisions of the statute, provided it is made within the time fixed thereby. Said lieu selection will be filed in the proper local office, where it will receive appropriate action by the register and receiver in the same manner as indemnity or other kinds of railroad lieu selection. If it be found upon examination when it reaches this office that the company's lieu selection is regular on its face, the field service will be directed to make an examination in the field with reference to the character of the land selected by the company and also as to whether it and the land relinquished by the company are of equal value. When the report of the field examination has been received by this office, further appropriate action will be taken on the selection.

These instructions will supersede those contained in Circular No. 510 of October 11, 1916 [45 L. D., 322], said Circular No. 510 being hereby revoked and recalled.

CLAY TALLMAN,
Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

MAR 31 1917

In reply please refer to Circular No. 534.

Part 230 of CFR 43

still in effect 5/28/54/323

See Cir. 716, 759, 637, 700, 1229, 1257

DEPARTMENT OF THE INTERIOR

General Land Office

Washington March 17, 1917.

: Patents on Reclama-
: tion Entries.

Registers and Receivers,
United States Land Offices.

Sirs:

Your attention is directed to the act of Congress of February 15, 1917 (Public No. 322), which amends the proviso to section 1 of the act of August 9, 1912 (37 Stat., 265), and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso to section one of the Act of August ninth, nineteen hundred and twelve (Thirty-seven Statutes, page two hundred and sixty-five), entitled "An Act providing for patents on reclamation entries, and for other purposes," to be amended to read as follows:

"Provided, That no such patent or final water-right certificate shall issue until after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead or desert-land entryman to such patent or the purchaser to such final water-right certificate."

Under the provisions of this act patents may issue on reclamation entries where all water-right charges due at the time the entryman submits proof of reclamation of one-half of the irrigable area of the land embraced in his entry have been paid, regardless of the fact that other water-right charges may accrue and be unpaid prior to the issuance of patent.

Very respectfully,

CLAY TALLMAN,

Commissioner.

Part 167

Still in effect 5/27/54 per Cir. 545 to Cir. 535.

CIRCULAR NO. 535.

ADDITIONAL ENTRIES—ACT OF FEBRUARY 20, 1917 (PUBLIC, NO. 337)—INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 19, 1917.

Registers and Receivers,
United States Land Offices.

SIRS:

1. Your attention is directed to the act of Congress of February 20, 1917 (Public, No. 337), which provides:

"That any person otherwise qualified who has obtained title under the homestead laws to less than one quarter section of land may make entry and obtain title under the provisions of the act entitled 'An act to provide for enlarged homesteads,' approved February nineteenth, nineteen hundred and nine, and an act of June seventeenth, nineteen hundred and ten, entitled 'An act to provide for an enlarged homestead,' for such an area of public land as will, when one-half of such area is added to the area of the lands to which he has already obtained title, not exceed one quarter section: *Provided*, That this act shall not be construed to apply to soldiers' additional homestead entries made under section twenty-three hundred and six, United States Revised Statutes, or acts amendatory thereof or supplemental thereto."

2. This act permits an additional entry under the enlarged homestead act to be made for a tract designated as subject thereto, although the land included in the applicant's perfected entry be not thus designated; it is immaterial whether he owns the original tract, and the additional tract may be contiguous thereto or at any distance therefrom.

3. The application must contain a description of all entries theretofore made by the applicant or such data as will serve to identify them.

4. Under section 6 of the act of March 2, 1889 (25 Stat., 854), a person who has partially exhausted his homestead right through a perfected entry is entitled to make an additional entry for so much land as will with the area of the completed entry make 160 acres. The present act supplements that legislation by providing that the additional land, if designated under the enlarged-homestead act, shall be estimated at only one-half its actual area in the calculation under the act of March 2, 1889. To illustrate: If the person has

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obtained title to 40 acres, he may make additional entry for not exceeding 240 acres of enlarged-homestead land, that is, twice 120; if he has had 80 acres, he may still take 160 acres of such land; if he has had 120 acres, he may now take an additional 80 acres.

5. In connection with an application pursuant to the provisions of this act, a petition for designation of the land sought may be filed as provided in other cases of applications under the enlarged-homestead act, and the proceedings with relation to the application and petition will be as in other cases.

6. Where an application is filed for additional entry under either section 3 or section 7 of the enlarged-homestead act, and the Secretary of the Interior refuses to designate thereunder the tract included in the original perfected entry, the application may be allowed for so much of the land sought as the claimant is entitled to enter under this act, provided said land be designated as subject to the enlarged-homestead act.

7. In proof on an entry allowed pursuant to the provisions of the present act there must be shown the existence of a dwelling house upon the land entered and the usual residence and cultivation. Residence must be for not less than three years, subject to the privilege of being absent five months in each year, in two periods if desired. There must be cultivation of not less than one-sixteenth of the land entered during the second year after the date of the entry and not less than one-eighth of its area during the third year and until submission of proof. However, credit for military service will be allowed as in other cases. Proof must be submitted within five years after the date of the entry.

8. The present act does not in anywise affect the right of additional entry under the stock-raising homestead act; under the provisions of that law no additional entry can be made unless the land originally entered has been designated as subject thereto.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1917

UMATILLA INDIAN GRAZING LANDS—ACT OF FEBRUARY 17, 1917.

INSTRUCTIONS.

[Circular No. 536.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 20, 1917.

REGISTER AND RECEIVER,
UNITED STATES LAND OFFICE, LA GRANDE, OREGON:

Your attention is directed to the act of February 17, 1917 (39 Stat., 923), which reads as follows:

> That all persons who have heretofore purchased or may hereafter purchase any of the lands of the Umatilla Indian Reservation in the State of Oregon, and have made or shall make full and final payment therefor in conformity with the acts of Congress of March third, eighteen hundred and eighty-five, and of July first, nineteen hundred and two, and subsequent acts respecting the sale of said lands, shall be entitled to receive patents therefor upon submitting satisfactory proof to the Secretary of the Interior that the untimbered lands so purchased are not susceptible of cultivation or residence and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.
>
> SEC. 2. That where a party entitled to claim the benefits of this act dies before securing a patent therefor it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to make the necessary proofs and payments therefor to complete the same; and the patent in such cases shall be made in favor of the heirs of the deceased purchaser, and the title to said lands shall inure to such heirs as if their names had been especially mentioned.

1. This act is identical in its terms with that of February 11, 1913 (37 Stat., 665), except that its provisions are now extended to all entries heretofore or hereafter made. Proofs may be submitted only after publication and posting of notice, as in ordinary homestead cases. If the regularly introduced testimony shows that a tract is not susceptible of cultivation or residence and is exclusively grazing land, incapable of any profitable use other than for grazing purposes, the entryman is, by the act, relieved of the requirement of residence.

Moreover, such proof entitles him to issuance of final certificate, upon payment of the unpaid installments of the price, and it is not necessary to show that the land has been actually used for grazing purposes.

2. Section 2 of the act allows submission of proof by one of the heirs, or by the executor or administrator of the estate of the entryman, if he be dead. However, the certificate is to be issued in favor of the heirs. The executor or administrator, offering proof, must produce record evidence of his appointment and qualification as such.

CLAY TALLMAN,
Commissioner.

Approved:
ALEXANDER T. VOGELSANG,

CHEYENNE AND ARAPAHOE SCHOOL LANDS—EXTENSION OF PAYMENTS—ACT OF FEBRUARY 23, 1917 (39 STAT., 937).

INSTRUCTIONS.

[Circular No. 539.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 23, 1917.

REGISTER AND RECEIVER,
UNITED STATES LAND OFFICE, GUTHRIE, OKLAHOMA:

The act of Congress of June 17, 1910 (36 Stat., 533), opening to entry certain tracts of land of the ceded Cheyenne and Arapahoe Indian Reservation (theretofore reserved for agency and school purposes), stipulated that one-fifth of the price bid for each tract be paid at the time of sale, and that the balance of the purchase price be paid in six equal annual installments without interest. The sales were made November 15, 16, and 19, 1910.

The act of August 22, 1911 (37 Stat., 33), granted the purchasers an extension of one year for payment of each deferred installment of the price of the land, and provided that they must pay interest for that postponement at 5 per cent per annum.

A clause in the Indian Appropriation Act of August 24, 1912 (37 Stat., 518, 530), provided that the maturity of any installment of the purchase price of these lands might be extended for one year, on condition that the purchaser paid in advance interest for that year at 5 per cent per annum; also that further annual extensions might be obtained, but not to a date later than one year after the last installment would have been due under the act opening the lands to entry; that is, not later than November, 1917.

2. The act of February 23, 1917 (39 Stat., 937), provides:

That the Secretary of the Interior is hereby authorized and directed to grant to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Oklahoma, sold in the year nineteen hundred and ten, under the act of Congress approved June seventeenth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page five hundred and thirty-three), a further exten-

sion of time to make payment; the unpaid portion of the purchase price shall be divided into five equal portions, one portion to be due November fifteenth, nineteen hundred and eighteen, and one portion thereof November fifteenth of each of the four succeeding years, interest to be paid annually on each installment or portion at the rate of five per centum per annum; Provided, that interest due under existing law granting extensions of time must be paid up to November fifteenth, nineteen hundred and sixteen, within ninety days from the passage of this act; Provided further, that failure to pay any installment, as well as the interest thereon, as the same becomes due, as herein provided, will forfeit the entry and the same shall be cancelled, and any and all payments previously made shall be forfeited.

3. In order to obtain the benefits of this act, the holder of an entry must within ninety days after its passage, that is, by May 24, 1917, pay all interest due on the purchase price down to November 15, 1916, counting from the original maturity of each installment. To illustrate:

If on the first day a person bid for a tract the sum of $1,500, paying $300 at the time of purchase but not making any further payment, the interest to be now paid by him would be calculated in the following manner: The first deferred installment of $200 fell due November 15, 1911; he had five years' postponement thereof, prior to November 15, 1916, and the interest for said years amounted to 25 per cent, or $50; similarly he owes 20 per cent, or $40, on the second deferred installment; 15 per cent, or $30, on the third installment; 10 per cent, or $20, on the fourth installment; 5 per cent, or $10, on the fifth installment. Therefore, he must pay $150 in order to secure the benefits of the recent legislation.

4. Regardless of the question whether one or more of the deferred installments have been paid on an entry, if the interest is paid as above explained, such portion of the principal of the purchase price as may remain unpaid is to be divided into five parts, which will fall due on November 15, of the years 1918, 1919, 1920, 1921, and 1922, respectively. However, 5 per cent interest must be paid on the entire sum November 15, 1917, and on each of the other dates mentioned one year's interest must be paid on the entire sum then remaining unpaid, as well as on the installment falling due. In the above case taken as an illustration, the claimant would have to make the following payments:

	Principal.	Interest.	Total.
Nov. 15, 1917		$60.00	$60.00
Nov. 15, 1918	$240.00	60.00	300.00
Nov. 15, 1919	240.00	48.00	288.00
Nov. 15, 1920	240.00	36.00	276.00
Nov. 15, 1921	240.00	24.00	264.00
Nov. 15, 1922	240.00	12.00	252.00

5. The extreme limit of time granted for payment for these lands, aside from the present act, will expire November 15, 16, and 19, 1917. Unless full payment is then made, or the claimant entitles himself to the benefits of the present act, the entry will be subject to cancellation. Moreover, as provided by the act of February 23, 1917, the entry will be subject to cancellation, and all payments will be forfeited, if the holder of the claim fails to pay the extended installments and interest when due, as heretofore explained.

6. Homestead proof on these entries may be submitted at any time prior to November 15, 1922, provided compliance with the conditions of law as to payments be continued to the time of its submission. Such proof will be accepted by you if satisfactory, subject to the payment of the unpaid portions of the purchase price, but final certificate will not issue until full payment is made; and the proof will be accepted by this office on the same conditions, if found satisfactory. After acceptance of such proof, the claim is subject to transfer, and you will issue all notices in connection with the case to the transferee, provided notice of the transfer be duly filed in your office.

7. You will use every reasonable effort to promptly convey a copy hereof to the holders of pending entries for these lands; that is, the entrymen or their transferees.

CLAY TALLMAN,
Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

(Circular No. 540.)

SECOND HOMESTEAD ENTRIES—ACT OF FEBRUARY 20, 1917 (PUBLIC NO. 340)—INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 24, 1917.

Registers and receivers,
United States land offices.

SIRS: Your attention is directed to the act of Congress approved February 20, 1917 (Public, No. 340), which provides: "That from and after the passage of this act any person who has heretofore entered under the homestead laws, and paid a price equivalent to or greater than $4 per acre, lands embraced in a ceded Indian reservation, shall, upon proof of such fact, if otherwise qualified, be entitled to the benefits of the homestead law as though such former entry had not been made: *Provided*, That the provisions of this act shall not apply to any person who has failed to pay the full price for his former entry, or whose former entry was canceled for fraud."

2. A person claiming the right of second homestead entry, pursuant to the provisions of this act, must furnish a description of the land included in his perfected entry or data from which it can be identified; and he must state that he paid $4 or more per acre for the tract; but it is not necessary that he name the precise price paid.

3. A second entry is not allowable unless the first entry was made prior to February 20, 1917, and unless satisfactory final proof has been submitted thereon and the entire price of the land included therein has been paid prior to the date of the application for second entry.

4. The act has no application if the first entry be canceled. Such cases will be governed by the general statutes allowing second entries.

5. If the original tract lies within your district, you will pass upon the application and will allow the entry if such action be proper; if said tract be not in your district, you will forward the application to this office for consideration.

6. A person who is entitled to the benefits of this act may at his option make second entry either under the general homestead law, under the enlarged homestead act, or under the stock-raising homestead act. Compliance with the law must be shown as though it were an original entry.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

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WASHINGTON : GOVERNMENT PRINTING OFFICE : 1917

CIRCULAR NO. 541

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

SUGGESTIONS

TO

HOMESTEADERS AND PERSONS DESIRING TO MAKE HOMESTEAD ENTRIES

REVISED JULY 16, 1926

WASHINGTON
GOVERNMENT PRINTING OFFICE
1926

LIST OF UNITED STATES LAND OFFICES.

The General Land Office does not issue maps showing the location of vacant public land subject to entry. This information can be reliably obtained only from the records of the various United States district land offices, which are located as follows:

ALABAMA:
Montgomery.
ALASKA:
Anchorage.
Fairbanks.
Nome.
ARIZONA:
Phoenix.
ARKANSAS:
Little Rock.
CALIFORNIA:
Los Angeles.
Sacramento.
San Francisco.
Visalia.
COLORADO:
Denver.
COLORADO—Contd.
Glenwood Springs.
Pueblo.
FLORIDA:
Gainesville.
IDAHO:
Blackfoot.
Boise.
Coeur d'Alene.
LOUISIANA:
Baton Rouge.
MINNESOTA:
Cass Lake.
MONTANA:
Billings.
Great Falls.
NEBRASKA:
Alliance.
NEVADA:
Carson City.
Elko.
NEW MEXICO:
Las Cruces.
Santa Fe.
NORTH DAKOTA:
Bismarck.
OKLAHOMA:
Guthrie.
OREGON:
Lakeview.
Portland.
Roseburg.
OREGON—Contd.
The Dalles.
Vale.
SOUTH DAKOTA:
Pierre.
Rapid City.
UTAH:
Salt Lake City.
Vernal.
WASHINGTON:
Seattle.
Spokane.
WYOMING:
Buffalo.
Cheyenne.
Evanston.
Lander.

There are no public lands in the States of Kentucky and Tennessee, and none is known to this office remaining undisposed of in the States of Illinois, Indiana, Iowa, Missouri, and Ohio. Small areas remain in the States of Kansas, Michigan, Mississippi, and Wisconsin, in widely scattered tracts, and no descriptive lists thereof are available. Entry of these lands must be made at the General Land Office, there being no district offices in the States named.

No specific descriptions of the character of the land, climate, water, or timber can be given by the General Land Office.

Unoccupied public lands, subject to settlement and entry, are to be found in all the States west of the Mississippi River except Iowa and Texas. There is also vacant public land in the States of Michigan, Florida, Alabama, and Mississippi.

Persons who desire to make homestead entry should first decide where they wish to locate, then go or write to the district land office of the district in which the lands are situated, and obtain from the records diagrams of vacant lands.

A personal inspection of the lands should be made to ascertain if they are suitable, and when satisfied on this point, entry can be made at the district land office in the manner prescribed by law, under the direction of the district land officers, who will give the applicant full information. Should a person desire to obtain information in regard to vacant lands in any district before going there for personal inspection, he should address the register of the particular district land office, who will give such information as is available. The district land officers can not, however, be expected to furnish extended lists of vacant lands subject to entry except through township plats which they are authorized to sell as hereinafter explained.

SUGGESTIONS TO HOMESTEADERS AND PERSONS DESIRING TO MAKE HOMESTEAD ENTRIES.

[In this revision of Suggestions to Homesteaders of February 18, 1924, necessary changes were made in paragraphs 1, 3, 4, 14, 16, 22, and 41.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., July 16, 1926.

1. Persons desiring to make homestead entries should first fully inform themselves as to the character and quality of the lands they desire to enter, and should in no case apply to enter until they have visited and fully examined each legal subdivision for which they make application, as satisfactory information as to the character and occupancy of public lands can not be obtained in any other way.

As each applicant is required to swear that he is well acquainted with the character of the land described in his application, and as all entries are made subject to the rights of prior settlers, the applicant can not make the affidavit that he is acquainted with the character of the land, or be sure that the land is not already appropriated by a settler, until after he has actually inspected it.

Information as to whether a particular tract of land is subject to entry may be obtained from the register of the land district in which the tract is located, either through verbal or written inquiry, but this officer must not be expected to give information as to the character and quality of unentered land or to furnish extended lists of lands subject to entry, except through plats and diagrams which he is authorized to make and sell as follows:

For a township diagram showing entered land only	$1.00
For a township plat showing form of entries, names of claimants, and character of entries	2.00
For a township plat showing form of entries, names of claimants, character of entry, and number	3.00
For a township plat showing form of entries, names of claimants, character of entry, number, and date of filing or entry, together with topography, etc.	4.00

Purchasers of township diagrams are entitled to definite information as to whether each smallest legal subdivision, or lot, is vacant public land. Registers are therefore required in case of an application for a township diagram showing vacant lands to plainly check off with a cross every lot or smallest legal subdivision in the township which is not vacant, leaving the vacant tracts unchecked. There is no authority for registers to charge and receive a fee of 25 cents for plats and diagrams of a section or part of a section of a township.

If, because of the pressure of current business relating to the entry of lands, registers are unable to make the plats or diagrams mentioned above, they may refuse to furnish the same and return the fee to the applicant, advising him of the reason for not furnishing the plats requested; that he may make the plats or diagrams himself or have same made by his agent or attorney; and that he may have access to the plats and tract books of the district land office for this

purpose, provided such use of the records will not interfere with the orderly dispatch of the public business.

A list showing the general character of all the public lands remaining unentered in the various counties of the public-land States on the 30th day of the preceding June may be obtained at any time by addressing "The Commissioner of the General Land Office, Washington, D. C."

All blank forms of affidavits and other papers needed in making application to entry or in making final proofs can be obtained by applicants and entrymen from the land office for the district in which the land lies.

In those public-land States having no district land office all business formerly handled by the district land offices is now being conducted by the General Land Office at Washington, D. C.

2. *Kind of land subject to homestead entry.*—All unappropriated surveyed public lands adaptable to any agricultural use are subject to homestead entry if they are not mineral or saline in character, are not occupied for the purposes of trade or business, and have not been embraced within the limits of any withdrawal, reservation, or incorporated town or city; but homestead entries on lands within certain areas (such as lands in Alaska, lands withdrawn under the reclamation act, certain ceded Indian lands, lands within abandoned military reservations, agricultural lands within national forests, lands in western and central Nebraska, and lands withdrawn, classified, or valuable for coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals) are made subject to the particular requirements of the laws under which such lands are opened to entry. None of these particular requirements are set out in these suggestions, but information as to them may be obtained by either verbal or written inquiries addressed to the register of the land office of the district in which such lands are situated.

HOW CLAIMS UNDER THE HOMESTEAD LAW ORIGINATE.

3. (*a*) Claims under homestead laws may be initiated by settlement on either surveyed or unsurveyed lands of the kind mentioned in the foregoing paragraph. Claims may also be initiated on surveyed lands of that kind by the filing of a soldier's or sailor's declaratory statement, or by the presentation of an application to enter.

(*b*) Under the law relating to ordinary lands a homestead entry is limited to 160 acres, but this area may sometimes be slightly exceeded where the tract is made up of irregular subdivisions. However, an entry of land which has been designated under one of the enlarged-homestead acts may contain 320 acres (see par. 43), and an entry of land designated under the stock-raising act may contain 640 acres. In western Nebraska 640 acres may be entered under the Kinkaid Act (explained in a special circular) without any designation of the land.

4. (*a*) Settlement is initiated through the personal act of the settler placing improvements upon the land or establishing residence thereon; he thus gains the right to make entry for the land as against other persons. A settlement on any part of a surveyed quarter section subject to homestead entry gives the right to enter all of that quarter section, but if a settler desires to initiate a claim to surveyed tracts which form a part of more than one technical quarter he

should define his claim by placing some improvements on each of the smallest subdivisions claimed. When settlement is made on unsurveyed lands the settler must plainly mark the boundaries of all lands claimed. Within a reasonable time after settlement actual residence must be established on the land and continuously maintained. Entry should be made within three months after settlement upon surveyed lands or within that time after the filing in the district land office of the plat of survey of lands unsurveyed when settlement was made. Otherwise, the preference right of entry may be lost. Under the act of August 9, 1912 (37 Stat., 267), settlement right on not exceeding 320 acres of lands designated by the Secretary of the Interior as subject to entry under the enlarged homestead law may be obtained by plainly marking the exterior boundaries of all lands claimed, whether surveyed or unsurveyed, followed by the establishment of residence, except as to lands designated under section 6 of said acts, where residence is not required, but where the settlement right is required to be initiated by plainly marking the exterior boundaries of the land claimed and the placing and maintenance of valuable improvements thereon. A settlement right on not exceeding 640 acres of unsurveyed land designated as subject to the stock-raising act may be obtained by establishment and maintenance of residence thereon, provided the boundaries of the tract claimed are plainly marked on the ground.

(*b*) Where a settlement claim has been duly initiated upon a tract of unsurveyed, unreserved, unappropriated public land by a person qualified to make homestead entry therefor, the settler is entitled to one or two leaves of absence during each residence year, aggregating not more than five months in each year after establishment of residence, in the same manner and upon the same conditions as persons having entries of record, as explained in paragraph 26. Detailed information regarding such leaves of absence is given in a special circular.

(*c*) Application for the survey of unsurveyed lands may be made in affidavit form and be addressed to the district cadastral engineer having local jurisdiction by any settler or settlers who can show the necessary qualifications. The applicant must show the location of the township by giving its approximate number, range, and meridian; that he is a bona fide settler therein; under what law he wishes to acquire the land; what the character of the land is and for what it is suitable; the number of the settlers residing upon the land desired to be surveyed; when his residence began and to what extent he has cultivated and improved the land claimed; that his application for survey of the lands described is made in good faith and not at the instance or in the interest or for the benefit of any other person.

5. Soldiers' and sailors' declaratory statements may be filed in the land office for the district in which the lands desired are located by any persons who have been honorably discharged after 90 days' service in the Army or Navy of the United States during the War of the Rebellion or during the Spanish-American War or the Philippine insurrection. Declaratory statements of this character may be filed either by the soldier or sailor in person or through his agent acting under a proper power of attorney, but the soldier or sailor must make entry of the land in person, and not through his agent, within six months from the filing of his declaratory statement, or he may make entry in person without first filing a declaratory state-

ment if he so chooses. Such declaratory statements may also be filed in person by those who have been honorably discharged after 90 days' service in the Army, Navy, or Marine Corps during the operations on the Mexican border or in the war with Germany, but they can not file such statements by agent. If a declaratory statement is filed by a soldier or sailor in person, it must be executed by him before one of the officers mentioned in paragraph 16, in the county or land district in which the land is situated; if filed through an agent, the affidavit of the agent must be executed before one of the officers above mentioned, but the soldier's affidavit may be executed before any officer using a seal and authorized to administer oaths and not necessarily within the county or land district in which the land is situated. If the soldier dies without having filed application for entry following his declaratory statement, such entry may be made by his widow, or in case of her death or remarriage by his minor orphan children, but *not* by his heirs or devisees.

BY WHOM HOMESTEAD ENTRIES MAY BE MADE.

6. Homestead entries may be made by any person who does not come within either of the following classes:

(*a*) Married women, except as hereinafter stated.

(*b*) Persons who have already made homestead entry, except as hereinafter stated.

(*c*) Foreign-born persons who have not declared their intention to become citizens of the United States.

(*d*) Persons who are the owners of more than 160 acres of land in the United States.

(*e*) Persons under the age of 21 years who are not the heads of families, except minors who make entry as heirs, as hereinafter mentioned; or minors who served in the Army or Navy during the World War, who may make entry under section 8 of the act of August 31, 1918 (40 Stat., 954).

(*f*) Persons who have acquired title to or are claiming, under any of the agricultural public-land laws, through settlement or entry made since August 30, 1890, any other lands which, with the lands last applied for, would amount in the aggregate to more than 320 acres. Exception is made, however, as to an entry under one of the enlarged homestead acts, which may be allowed provided applicant's claims under the timber and stone, desert land, and preemption laws do not make up approximately 320 acres, and do not with the homestead claim aggregate more than 480 acres; also, as to an entry under the stock-raising law, which may be allowed, provided its area does not make up with such other claims more than 800 acres, and that said claims do not contain as much as 320 acres. The rules as to limitation on the area of additional entries under the last-mentioned act are set forth in the special circular issued thereunder.

EFFECT OF MARRIAGE ON WOMEN'S RIGHTS.

7. A married woman who has all of the other qualifications of a homesteader may make a homestead entry under any one of the following conditions:

(*a*) Where she has been actually deserted by her husband.

(*b*) Where her husband is incapacitated by disease or otherwise from earning a support for his family and the wife is really the head and main support of the family.

(*c*) Where the husband is confined in a penitentiary and she is actually the head of the family.

(*d*) Where the married woman is the heir of a settler or contestant who dies before making entry.

(*e*) Where a married woman made improvements and resided on the lands applied for before her marriage, she may enter them after marriage if her husband is not holding other lands under an unperfected homestead entry at the time of the marriage; and this last condition does not apply if each party has had compliance with the law for one year next before the marriage and neither one abandons the land prior to filing application for entry.

8. The marriage of an entrywoman will not defeat her right to acquire title to the land if she continues to reside thereon and otherwise comply with the law; but ordinarily the failure of her husband to live upon the homestead with her is treated as an evidence of bad faith, requiring testimony for its rebuttal. Husband and wife can not maintain separate residences on their respective homestead entries, and if at the time of marriage each is holding an unperfected entry on which residence must be had in order to acquire title, they can not hold both entries unless they are entitled to the benefits of the act of April 6, 1914, as amended by the act of March 1, 1921 (41 Stat., 1193), explained in the next paragraph.

9. Where a homestead entryman or settler and a homestead entrywoman or settler intermarry after each has fulfilled the requirements of the law for one year, the husband may (under the provisions of the act mentioned, Appendix No. 18) elect on which of the entries the home shall be made, after which their residence there shall constitute compliance with the residence requirements as to both homesteads. Instructions regarding the method of procedure under the act are found in a special circular.

10. Where the wife of a homestead settler or entryman, while residing upon the homestead claim and prior to the submission of final proof, has been abandoned and deserted by her husband for more than one year, she may, under the provisions of the act of October 22, 1914 (Appendix No. 20), submit proof (by way of commutation or otherwise) on the entry and secure patent in her own name, being allowed credit for all residence and cultivation had and improvements made, either by herself or by her husband. As to the method of procedure under that act, a special circular is issued.

11. A widow, if otherwise qualified, may make a homestead entry notwithstanding the fact that her husband made an entry and notwithstanding she may be at the time claiming the unperfected entry of her deceased husband.

ENTRIES BY SOLDIERS AND SAILORS.

12. A person serving in the Army or Navy of the United States may make a homestead entry if some member of his family is residing on the lands applied for, and the application and accompanying affidavits may be executed before the officer commanding the branch of the service in which he is engaged.

ADDITIONAL ENTRIES.

13. (*a*) Regardless of the question whether the land involved has been designated as subject to the enlarged-homestead act or the stock-raising homestead law, any person otherwise qualified who has made final proof on an entry for less than 160 acres under the homestead laws may make an additional entry for such an amount of public lands as will, when added to the amount for which he has already made proof, not exceed in the aggregate 160 acres; the applicant therefor must give such data as will serve to identify his first filing. Residence, cultivation, and improvements must be performed as in the case of an original entry.

(*b*) Regardless, also, of designation of the land involved, an additional homestead entry may be made by a person for such an amount of public lands adjoining lands then owned and occupied by him under his original entry as will, when added to such adjoining lands, not exceed in the aggregate 160 acres. An entry of this kind may be made by any person who has not acquired title to and is not, at the date of his application, claiming under any of the agricultural public-land laws, through settlement or entry made since August 30, 1890, any other lands which, with the land then applied for, would exceed in the aggregate 320 acres, but the applicant will not be required to show any of the other qualifications of a homestead entryman. In connection with such an entry, all residence and cultivation may be had (before or after its date) on the original tract, provided the entryman continues to own it during the period in question.

(*c*) Where a person is entitled to make additional entry, as explained in paragraph 13 (*a*), he may enter land which has been designated under the enlarged-homestead act of an area double that to which he would be otherwise entitled. (Appendix No. 13.)

(*d*) A person who has perfected a homestead entry for land of the character contemplated by the enlarged-homestead acts, or who has a pending entry for such land, may make an additional entry for land of like character, as explained in paragraphs 47 and 48.

(*e*) A person who has perfected a homestead entry for land of the character contemplated by the stock-raising act, or who has a pending entry for such land, may make an additional entry for land of like character to make up in the aggregate not more than 640 acres, as explained in a special circular issued under said act. See paragraph 51.

SECOND ENTRIES.

14. (*a*) Where a person commuted a homestead entry before June 5, 1900, or paid the Indian price of the land entered before May 17, 1900, his homestead right is restored. See acts of June 5, 1900, and May 22, 1902 (Appendix No. 4), and the act of May 17, 1900 (Appendix No. 3).

(*b*) Where a person has made a homestead entry or entries but failed to perfect them, his right to make another homestead entry is governed by the act of Congress of September 5, 1914, which provides that the applicant must show to the satisfaction of the Secretary of the Interior that the prior entry or entries were made in good faith, were lost, forfeited, or abandoned because of matters beyond his control, and that he has not speculated in his right, nor

committed a fraud or attempted fraud in connection with such prior entry or entries. A special circular is issued regarding the procedure under said act.

(*c*) Where a person before February 25, 1925, made entry for land embraced in a ceded Indian reservation, and has at any time submitted proof thereon and has paid the full price of the land, being $2.50 or more per acre for the tract, he is entitled to make a second homestead entry. (Appendix No. 5.)

(*d*) Where a person's homestead right is restored under the conditions mentioned in this paragraph, he may make an entry under the general law, under the enlarged-homestead act, or under the stock-raising law, at his option.

ADJOINING FARM HOMESTEAD.

15. An adjoining farm entry may be made for such an amount of public lands lying contiguous to lands owned and resided upon by the applicant as will not, with the lands so owned and resided upon, exceed in the aggregate 160 acres; but no person will be entitled to make entry of this kind who is not qualified to make an original homestead entry. A person who has made one homestead entry, although for a less amount than 160 acres, and perfected title thereto, is not qualified to make an adjoining farm entry. In connection with an entry of this character, there must be shown the required amount of residence and cultivation after the date thereof, but both residence and cultivation may be had on the original tract.

HOW HOMESTEAD ENTRIES ARE MADE.

16. A homestead entry may be made by the presentation to the land office of the district in which the desired lands are situated of an application properly prepared on blank forms prescribed for that purpose and sworn to before either the register or acting register, or before a United States commissioner, a notary public, a judge or clerk or prothonotary of a court of record, or the deputy of such clerk or prothonotary, or before any magistrate, authorized by the laws of or pertaining to any State, District, or Territory of the United States to administer oaths, in the county, parish, or land district in which the land lies, or before any officer of the classes named who resides nearest or most accessible to the land although he may reside outside the county and land district in which the land is situated. Except as to the register or acting register the official character of any officer not using a seal of office must be certified to under seal by the clerk of the court having the record of his appointment and qualification. If the application is executed before a qualified officer within the boundaries of either the county or land district in which the land is located, no additional showing as to nearness or accessibility of such officer need be made, but if executed outside of both the county and land district the applicant must show by affidavit satisfactory to the Commissioner of the General Land Office that the officer before whom the application was executed was because of topographic or geographic conditions nearer or more accessible to the land. An application is not acceptable if executed more than 10 days before its deposit in the mails for filing in the district land office.

17. Each application to enter and the affidavits accompanying it must recite all the facts necessary to show that the applicant is acquainted with the land; that the land is not, to the applicant's knowledge, either saline or mineral in character; that the applicant possesses all of the qualifications of a homestead entryman; that the application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation; that the applicant will faithfully and honestly endeavor to comply with the requirements of the law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that the applicant is not acting as the agent of any person, persons, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered or any part thereof; that the application is not made for the purpose of speculation, but in good faith to obtain a home for the applicant, and that the applicant has not directly or indirectly made, and will not make, any agreement or contract in any way or manner with any person or persons, corporation, or syndicate whatsoever by which the title he may acquire from the Government to the lands applied for shall inure, in whole or in part, to the benefit of any person except himself. Additional statements as to the character of the land must be made in applications under the enlarged homestead acts and under the stock-raising law; but in the latter case, as the mineral in the land is reserved to the Government, no allegation as to same is made, but claimant must state that no part of the land is claimed, occupied, or being worked under the mining laws.

18. All applications by persons claiming as settlers must, in addition to the facts required in paragraph 17, state the date and describe the acts of settlement under which they claim a preferred right of entry, and applications by the widows, devisees, or heirs of settlers must state facts showing the death of the settler and their right to make entry, that the settler was qualified to make entry at the time of his death, and that the heirs or devisees applying to enter are citizens of the United States or have declared their intentions to become such citizens, but they are not required to state facts showing any other qualifications of a homestead entryman, and the fact that they have made a former entry will not prevent them from making an entry as such heirs or devisees, nor will the fact that a person has made entry as the heir or devisee of the settler prevent him from making an entry in his own individual right if he is otherwise qualified to do so.

19. All applications by soldiers, sailors, or their widows, or the guardians of their minor children should be accompanied by proper evidence of the soldier's or sailor's service and discharge and of the fact that the soldier or sailor had not, prior to his death, made an entry in his own right. The application of the widow of the soldier or sailor must also show that she is unmarried and that the right has not been exercised by any other person. Applications for the children of soldiers or sailors must show that the father died without having made entry, that the mother died or remarried without making entry, and that the person applying to make entry for them is their legally appointed guardian.

20. Applications for entry must be accompanied by the proper fee and commissions. (See par. 41.) A receipt for the monev is at

once issued, but this is merely evidence that the money has been paid and as to the purpose thereof. If the application is allowed and the entry placed of record, formal notice of this fact is issued on the prescribed form; if the application is rejected or suspended, notice of such action is forwarded to the applicant as soon as practicable.

RIGHTS OF WIDOWS, HEIRS, OR DEVISEES UNDER THE HOMESTEAD LAWS.

21. If a homestead settler dies without having filed application for entry, the right to enter the land covered by his settlement passes to his widow. If there be no widow, said right passes to his heirs or devisee. See paragraph 4 for the general rules regarding settlement claims.

22. If a homestead entryman dies without having submitted final proof, his rights under the entry pass to his widow, or, if there be none, and the children if any are not all minors, then to his heirs or devisees. However, if all the heirs be minor children of the entryman or entrywoman, and their other parent be dead, the entry is not subject to devise. In such a case the right to a patent vests in the children at once upon proof only of the death of both parents and that they are the only children of the homesteader, provided, as to a male homesteader, that there be no widow. The law provides, in the alternative, that the executor, administrator, or guardian may, within two years after the death of the surviving parent, sell the land for the benefit of the children, in accordance with the law of the State where they are domiciled. In such cases it is required that there be furnished record evidence of an order for the sale made by a court of competent jurisdiction. In any event, publication and posting of notice of intention to submit proof or to ask issuance of patent to the purchaser is required.

23. If a contestant dies after having secured the cancellation of an entry, his right as a successful contestant to make entry passes to his heirs; and if the contestant dies before he has secured the cancellation of the entry he has contested, his heirs may continue the prosecution of his contest and make entry if they are successful in the contest. In either case, to entitle the heirs to make entry they must show that the contestant was a qualified entryman at the date of his death; and in order to earn a patent the heirs must comply with all the requirements of the law under which the entry was made, to the same extent as would have been required of the contestant had he made entry.

24. The unmarried widow, or, in case of her death or remarriage, the minor children of soldiers and sailors who were honorably discharged after 90 days' actual service during the War of the Rebellion, the Spanish-American War, or the Philippine insurrection may file a declaratory statement in the manner explained in paragraph 5 and make entry as such widow or minor children, if the soldier or sailor died without making entry or failed to perfect an entry and was, at the time of his death, qualified to make another. The minor children must make a joint entry through their duly appointed guardian. If the widow files a declaratory statement and dies without having applied for entry, entry may be made on behalf of the minor children, but *not* by her devisees or other heirs.

RESIDENCE AND CULTIVATION REQUIRED UNDER THE HOMESTEAD LAWS.

25. With the exception of adjoining farm homestead entries and additional entries allowed under certain conditions pursuant to the general law, the enlarged homestead acts and the stock-raising law, a homestead entryman must establish residence upon the tract entered within six months after date of the entry, unless an extension of time is allowed, as explained in paragraph 35, and must maintain residence there for a period of three years. However, he may have credit for residence as well as cultivation before the date of entry if the land was, during the period in question, subject to appropriation by him or included in an entry against which he had initiated a contest resulting afterwards in its cancellation. Moreover, he may absent himself for a portion or portions of each year after making entry and establishing residence, as more fully explained in paragraph 26.

When proof is submitted it must be shown that the homesteader is a citizen of the United States, provided, however, that a homestead entrywoman who is a citizen when she makes her filing and thereafter marries an alien need not show that her husband is an American citizen, but must show that he is entitled to become one.

The act of September 22, 1922 (42 Stat., 1021), provides for the naturalization and citizenship of women married since that date, and in all cases of applications for entry or proofs in support of entries by married women otherwise duly qualified to make such entry or proof, a showing must be made of such facts concerning the marital status and citizenship as may be rendered necessary by the provisions of that act, the text of which is printed in Appendix 19.

26. During each year, beginning with the date of establishment of actual residence, the entryman may absent himself from the land for not more than two periods, aggregating as much as five months. In order to be entitled to such absences the entryman need not file applications therefor, but must each time he leaves the land file at the local land office (by mail or otherwise) notice of the time of leaving; and upon his return to the land he must notify said office of the date thereof. If he has returned after an absence of less than five months and filed notice of his return, he may, without any intervening residence, again absent himself—pursuant to new notice—for the remaining part of five months within the residence year. However, two absences in different residence years, reckoned from the date when residence was established, must be separated by substantial periods if they together make up more than five months.

27. (*a*) Cultivation of the land for a period of at least two years is required, and this must generally consist of actual breaking of the soil, followed by planting, sowing of seed, and tillage for a crop other than native grasses. However, tilling of the land, or other appropriate treatment, for the purpose of conserving the moisture with a view of making a profitable crop the succeeding year, will be deemed cultivation within the terms of the act (without sowing of seed) where that manner of cultivation is necessary or generally followed in the locality.

During the second year not less than one-sixteenth of the area entered must be actually cultivated, and during the third year, *and until final proof*, cultivation of not less than one-eighth must be had. These requirements are the same as to homesteads under the general

law and under the enlarged homestead acts, and the years in question begin to run, not from the establishment of residence, but from the date of the entry. A larger amount of cultivation is required on entries under section 6 of the enlarged homestead acts (see paragraphs 49 and 50), and the above-mentioned rules are not applicable to entries under the reclamation act. No cultivation whatsoever is required under the so-called Kinkaid Act, which affects only Nebraska, while the stock-raising homestead law requires no specific area of cultivation, only that the land has been actually used for raising stock and forage crops, and that it has been improved under certain conditions.

(*b*) The Secretary of the Interior is authorized to reduce the requirements as to cultivation. This may be done if the land entered is so hilly or rough, the soil so alkaline, compact, sandy, or swampy, or the precipitation of moisture so light as not to make cultivation of the required amounts practicable, or if the land is generally valuable only for grazing. An application for reduction upon the grounds indicated must be filed at the proper local land office on the form prescribed therefor, and should set forth in detail the special physical conditions of the land on which claimant bases his right to a reduction.

A reduction may be allowed also if the entryman, after making entry and establishing residence, has met with misfortune which renders him reasonably unable to cultivate the prescribed area. In this class of cases an application for reduction is not to be filed, but notice of the misfortune and of its nature must be submitted to the register of the local land office, under oath, within 60 days after its occurrence; upon satisfactory proof regarding the misfortune at the time of submitting final proof a reduction in area of cultivation during the period of disability following the misfortune may be permitted.

No reduction in area of cultivation will be permitted on account of expense in removing the standing timber from the land. If lands are so heavily timbered that the entryman can not reasonably clear and cultivate the area prescribed by the statute, such entries will be considered speculative and not made in good faith for the purpose of obtaining a home. The foregoing applies to lands containing valuable or merchantable timber and will not preclude the reduction of area of cultivation on proper showing in cases where the presence of stumps, brush, lodge pole pine, or other valueless or nonmerchantable timber prevents the clearing and cultivation of the prescribed area. Nor will a reduction in the area of cultivation based on the physical conditions of the land be permitted if, at the date of the application to enter, the land was designated and subject to entry under the stock-raising act. In such cases, the homesteader should file application for change of the character of the entry to one under the stock-raising act, showing therein the nonadaptability of the land for cultivation; that the land does not contain any water holes, or other body of water needed or used by the public for watering purposes, and his consent to the entry being made subject to the reservation to the United States of all coal and other minerals in the land, together with the right to prospect for, mine, and remove the same. The application of the entryman should be in affidavit form, and the showing therein as to the character of the land should be corroborated by the affidavits of two witnesses.

(*c*) The homestead entryman must have a habitable house upon the land entered at the time of submitting proof. Other improvements should be of such character and amount as are sufficient to show good faith.

CREDIT ON ACCOUNT OF MILITARY SERVICE.

28. (*a*) A soldier or sailor of one of the classes mentioned in paragraph 5 who makes entry must begin his residence on the land entered by him within six months from the date of filing his declaratory statement, but if he makes entry without filing a declaratory statement he must begin his residence within six months after the date of the entry. Thereafter he must continue both residence and cultivation for such period as will, when added to the time of his military or naval service (under enlistment or enlistments covering war periods), amount to three years; but if he was discharged on account of wounds or disabilities incurred in the line of duty, credit for the whole term of his enlistment may be allowed; however, no patent will issue to such soldier or sailor until there has been residence by him for at least one year, nor until a habitable house has been placed upon the land.

(*b*) In each year of residence required of the soldier he is entitled to the same absence privilege as is enjoyed by other homesteaders.

(*c*) A soldier with 19 months' or more military service will be required to reside on the land at least 7 months during the first entry year; with more than 12 and less than 19 months, he must reside on the land 7 months during the first year and such part of the second year as, added to his excess over 12 months' service, will equal 7 months, and must cultivate one-sixteenth of the area the second year; with 7 and not more than 12 months, he must reside upon the land 7 months during each of the first and second years, and cultivate one-sixteenth of the area the second year; with 90 days and less than 7 months, he must reside upon the land 7 months during each year for the first and second years, and such part of the third year as, added to his service, will equal 7 months, and cultivate one-sixteenth of the area the second year and one-eighth the third year; and with less than 90 days' service, will receive no credit therefor in lieu of residence and cultivation. If he delays the submission of proof beyond the period of residence required, the cultivation necessary for the years elapsing before the submission of proof must be shown. He may apply for and receive a reduction in the area to be cultivated in the same manner and under the conditions required of other applicants. Where the entry is made under the stock-raising homestead act, the above rule with respect to residence will be applicable, but the soldier must make the improvements on the land required of other persons under that law, and show in lieu of cultivation that he actually used the land for raising stock and forage crops during the period that he was required to reside on the land. He must show, in any entry under the homestead laws, that he had a habitable house on the land at the date of submitting proof. These rights are conferred by section 2305 of the United States Revised Statutes as amended by act of June 6, 1912 (37 Stat., 123), act of February 25, 1919 (40 Stat., 1153), act of April 6, 1922 (42 Stat.,

491), and by Public Resolution No. 79, approved December 28, 1922 (42 Stat., 1067).

(*d*) The act of June 16, 1898 (30 Stat., 473), copied in Appendix No. 21, provides that where a person has settled on the public lands under the homestead laws, his service in the Army, Navy, or Marine Corps during any war in which the United States may be engaged shall be construed as equivalent to residence and cultivation for the same length of time upon the tract entered or settled upon; also that no contest initiated against a homestead entry on the ground of abandonment shall be sustained, unless it be alleged and proved that the settler's alleged absence from the land was not due to his employment in such service.

(*e*) By the joint resolution of August 29, 1916 (39 Stat., 670), the provisions of said act are made "applicable in all cases of military service rendered in connection with operations in Mexico or along the borders thereof, or in mobilization camps elsewhere, whether such service be in the military or naval organization of the United States or the National Guard of the several States now or hereafter in the service of the United States."

(*f*) Section 1 of the act of July 28, 1917 (40 Stat., 248), grants credit for constructive residence and cultivation to homesteaders absent because of military or naval service during the World War and protects them from a charge of abandonment during such period; and section 2 of said act provides that where a homestead settler, applicant, or entryman dies while actually engaged in the military or naval service of the United States during any war in which the United States may be engaged, his widow, if unmarried, or in case of her death or marriage, his minor orphan children, or his or their legal representatives may proceed forthwith to make final proof upon the entry or application thereafter allowed, the death of the soldier or sailor while so engaged in the service of the United States being equivalent to a performance of all requirements as to residence and cultivation upon such homestead.

(*g*) The act of March 1, 1921 (41 Stat., 1202), authorizes homestead settlers, applicants, or entrymen who enlisted prior to November 11, 1918, in the United States Army, Navy, or Marine Corps during the war with Germany and were honorably discharged or separated because of physical incapacities due to service and for that reason are unable to return to the land, to make proof without further residence, improvements, and cultivation, at such time and place as may be authorized by the Secretary of the Interior.

(*h*) The act of September 29, 1919, (41 Stat. 288), as amended by section 2 of the act of April 6, 1922 (42 Stat. 491), grants to ex-service men of the late war who made or may hereafter make entry under the homestead laws or who initiate valid homestead claim by settlement or application, and thereafter enter upon a course of training under the vocational rehabilitation act or are furnished hospital treatment by the Government for wounds received or disabilities incurred in line of duty, a leave of absence from the homestead for the purpose of taking such course, or to receive hospital treatment by the Government, and allows the time while so engaged to be credited as constructive residence upon and cultivation of the homestead, subject to the condition that before title by patent may be

granted the claimant shall have resided upon, improved, and cultivated the homestead for a period of at least one year. A person who is entitled to the benefits of this act should forward to the local district land office notice of his absence from the land and of the fact that he has been admitted to take a course of vocational training under the act of June 27, 1918 (40 Stat. 617), or that he is receiving hospital treatment by the Government, together with a certificate to that fact by the proper official. He should also file notice of his return to the land so that the local offices may make due notation on their records.

(*i*) No credit can be allowed for military service where commutation proof is offered.

29. A soldier or sailor making entry during his enlistment in time of peace is not required to reside personally on the land, but may receive patent if his family maintain the necessary residence and cultivation until the entry is 3 years old or until it has been commuted; but a soldier or sailor is not entitled to credit on account of his military service in time of peace. If such soldier has no family, there is no way by which he can make entry and acquire title during his enlistment in time of peace.

30. Widows and minor orphan children of soldiers and sailors who make entry based on the husband's or father's military or naval service must conform to the requirements specified for the soldier or sailor. The unmarried widow of a soldier or sailor of the Mexican border operations or of the war with Germany, or the unmarried widow or minor orphan children of a veteran of the Civil War, the Spanish-American War, or the Philippine insurrection, is entitled to the same privileges, under the homestead laws, as the deceased soldier or sailor if he died possessed of a homestead right. The adult child of a soldier has no special privileges in connection with the homestead laws on account of his father's military service.

COMPLETION OF ENTRY BY WIDOW OR HEIRS.

31. Persons who make entry as the widows, heirs, or devisees of settlers are not required to reside upon the land entered by them, but they must improve and cultivate it for such period as, added to the time during which the settler resided on and cultivated the land, will make the required period of three years, and the cultivation must be to the extent required by the law under which the proof is offered. Commutation proof may, however, be made upon showing 14 months' actual residence and cultivation had either by the settler or the heirs, devisee, or widow, or in part by the settler and in part by the widow, heirs, or devisee.

32. Persons succeeding as widow, heirs, or devisees to the rights of a homestead entryman are not required to reside upon the land covered by the entry, but they must cultivate it as required by law for such period as will, added to the entryman's period of compliance with the law, aggregate the required term of three years. They are allowed a reasonable time after the entryman's death within which to begin cultivation, proper regard being had to the season of the year at which said death occurred. If they desire to commute the entry they must show a 14 months' period of such residence and cultivation on the part of themselves or the entryman, or both, as

would have been required of him had he survived. They must in all cases show that they are citizens of the United States regardless of the question whether the entryman was himself a citizen. Moreover, the entry may not be completed by the widow, heirs, or devisee of a homestead entryman unless he himself had complied with the law in all respects to the date of his death, and they must also show, at the time of final proof, that there is a habitable house on the land.

HOLDERS OF PUBLIC OFFICE.

33. Homestead entrymen are not entitled to any special privileges whatsoever in connection with their claims by reason of the fact that they are appointed or elected to public offices, the duties of which require their residence elsewhere than on the homesteads. This also applies to civil-service employees.

ENTRYMEN WHO BECOME INSANE.

34. Neither residence nor cultivation by an insane homestead entryman is necessary after he becomes insane, if such entryman made entry and established residence before he became insane and complied with the requirements of the law up to the time his insanity began. Proof on the entry may be submitted by his duly appointed guardian or committee. However, if the entryman regains his sanity before the expiration of three years after the date of the entry, he is required to reestablish residence on the land and comply with the law; and he must himself submit proof unless the unsoundness of mind recurs.

LEAVES OF ABSENCE.

35. (*a*) Where, for climatic reasons, or on account of sickness, or other unavoidable cause, residence can not be established on the land within six months after the date of the entry, additional time, not exceeding six months, may be allowed. An application for such extension must include the affidavits of the entryman, and two witnesses acquainted with the facts, which may be executed before any officer authorized to administer oaths and having a seal of office, though outside of the county or land district where the entry is situated. The application should set forth in detail the grounds upon which it is based, including a statement as to the probable duration of the hindering causes and the date when the claimant may reasonably expect to establish his residence.

If the extension is granted, it protects the entry from contest on the ground of the homesteader's failure to establish residence within the first six months' period, unless it be shown that the order for extension was fraudulently obtained. But the failure of the entryman to apply for an extension of time does not forfeit his right to show, in defense of a contest, the existence of conditions which might have been made the basis for such an application.

(*b*) Leave of absence for one year or less may be granted by the register of the district land office to entrymen who have established actual residence on the lands in cases where total or par-

tial failure or destruction of crops, sickness, or other unavoidable casualty has prevented the entryman from supporting himself and those dependent on him by cultivation of the land. Application for such leave of absence must be sworn to by the applicant and corroborated by at least one witness in the land district or county within which the entered lands are located before an officer authorized to administer oaths and having a seal. It must describe the entry and show the date of establishing residence on the land and the extent and character of the improvements and cultivation performed by applicant. It must also set forth fully the facts on which the claimant bases his right to leave of absence, and where sickness is given as the reason a certificate signed by a reputable physician should be furnished if practicable. The period during which a homesteader is absent from his claim pursuant to a leave duly granted can not be counted in his favor.

(*c*) The act of February 25, 1919 (40 Stat., 1153), authorizes the register of the district land office to grant to such homesteaders as make proper showing in their applications that the climatic conditions make residence on the homestead for 7 months in each year a hardship a reduction in the terms of residence to 6 months in each year over a period of 4 years, or to 5 months in each year over a period of 5 years; but the total residence required need not exceed 25 months, not less than 5 of which shall be in each year and proof must be submitted within 5 years. Instructions under said act are printed in Circular No. 636.

COMMUTATION OF HOMESTEAD ENTRIES.

36. (*a*) All original, second, and additional homestead, and adjoining farm entries may be commuted, except such entries as are made under particular laws which forbid their commutation.

(*b*) The entryman, or his statutory successor, must, as a general thing, show substantially continuous residence upon the land was maintained until the submission of the proof or filing of notice of intention to submit same, the existence of a habitable house upon the claim and cultivation of not less than one-sixteenth of its acreage. However, the proof may be accepted where actual residence for the required period is shown, even though slightly broken, provided it be in reasonably compact periods; and the failure to continue the residence until filing of notice to submit proof will not prevent its acceptance if the Land Department be fully satisfied of entryman's good faith, and provided no contest or adverse proceeding shall have been initiated for default in residence, or other good cause, prior to filing such notice. Credit for residence and cultivation before the date of entry may be allowed under the conditions, explained in paragraph 25, as to three-year proof.

(*c*) Where a contest is initiated against an entry, prior to filing of notice to submit commutation proof, the entry will be considered under sections 2291 and 2297, Revised Statutes, as amended, and the homesteader's absence will not be excused upon the ground that he has complied with the law for 14 months and is under no obligation to further reside upon the land. However, a contest for abandonment can not be maintained if the absence after the 14 months' residence is pursuant to a leave of absence regularly and properly

granted under the act of March 2, 1889, or under conditions which would have entitled the entryman to such leave upon formal application therefor, and such absence will not prevent the submission of acceptable commutation proof.

(*d*) An entryman submitting commutation proof may add together, to make up the 14 months, periods of residence before and after an absence under a leave of absence regularly granted, or an absence of not exceeding five months of which he had given notices as provided by the act of June 6, 1912.

(*e*) A person submitting commutation proof must, in addition to certain fees, pay the price of the land; this is ordinarily $1.25 per acre, but is $2.50 per acre for lands within the limits of certain railroad grants. The price of certain ceded Indian lands varies according to their location, and inquiry should be made regarding each specific tract.

(*f*) The claimant must show full citizenship, as in case of three-year proof.

(*g*) The provisions of law explained in paragraph 27 (*f*) apply to commutation proof also.

(*h*) Commutation proof can not be made on homestead entries allowed under the act of April 28, 1904 (33 Stat., 547), known as the Kinkaid Act; entries under the reclamation act of June 17, 1902 (32 Stat., 388); entries under the enlarged-homestead acts (post, par. 43 et seq.); entries allowed on coal lands under the act of June 22, 1910 (36 Stat., 583), so long as the land is withdrawn or classified as coal; additional entries allowed under the act of April 28, 1904 (33 Stat., 527; Appendix No. 4); second entries allowed under the act of June 5, 1900 (31 Stat., 267; Appendix No. 4); second entries allowed under the act of May 22, 1902 (32 Stat., 203; Appendix No. 4), when the former entry was commuted; entries within forests under the act of June 11, 1906 (34 Stat., 233); or entries under the stock-raising act of December 29, 1916 (39 Stat., 862).

WHEN PROOF MAY BE SUBMITTED.

37. Either final or commutation proof may be made at any time when it can be shown that there is a habitable house upon the land and that the required residence and cultivation have been had. Proof must be submitted within five years. Failure to submit proof within the proper period is ground for cancellation of the entry unless good reason for the delay appears; satisfactory reasons being shown, final certificate may be issued, and the case referred to the board of equitable adjudication for confirmation.

WHO MAY SUBMIT PROOF.

38. (*a*) Final proof must be made by the entrymen personally or their widows, heirs, or devisees, and can not be made by agents, attorneys in fact, administrators, or executors, except as explained in paragraphs 10, 22, and 34. Final proof can be made only by citizens of the United States.

(*b*) Where entries are made and proof offered for minor orphan children of soldiers or sailors the minors may be represented by their guardian.

HOW PROOFS MAY BE MADE

39. Final or commutation proofs may be made before any of the officers mentioned in paragraph 16 as being authorized to administer oaths to applicants.

Any person desiring to make homestead proof should first forward a written notice of his desire to the register of the land office, giving his post-office address, the number of his entry, the name and official title of the officer before whom he desires to make proof, the place at which the proof is to be made, and the name and post-office addresses of at least four of his neighbors who can testify from their own knowledge as to facts which will show that he has in good faith complied with all the requirements of the law.

40. The register will issue a notice naming the time and place for submission of proof and cause same to be published at entryman's expense for 30 days preceding submission of proof in the newspaper designated by the register. If this be a daily paper, the publication must be inserted in 30 consecutive issues; if daily except Sunday, in 26; if weekly, in 5; and if semiweekly, in 9 consecutive issues.

The first day of publication must be at least 30 days before the date set for proof, and a copy of the notice must be posted in a conspicuous place in the office of the register for at least 30 days before said date.

The homesteader must arrange with the publisher for publication of the notice of intention to make proof and make payment therefor directly to him. The register will be responsible for the correct preparation of the notice.

On the day named in the notice the entryman must appear before the officer designated to take proof with at least two of the witnesses named in the notice; but if for any reason the entryman and his witnesses are unable to appear on the date named, the officer should continue the case from day to day until the expiration of 10 days, and the proof may be taken on any day within that time when the entryman and his witnesses appear, but they should, if it is possible to do so, appear on the day mentioned in the notice.

FEES ON ENTRIES AND FINAL PROOFS.

41. *Fees and commissions.*—When a homesteader applies to make entry he must pay in cash to the register a fee of $5 if his entry is for less than 81 acres, or $10 if he enters 81 acres or more. And in addition to this fee he must pay, both at the time he makes entry and final proof, a commission of $1 for each 40-acre tract entered outside of the limits of a railroad grant and $2 for each 40-acre tract entered within such limits. Fees under the enlarged-homestead act and under the stock-raising homestead act are the same as above, but the commissions are based upon the area of the land embraced in the entry. (See par. 43.) Where an entry is commuted no commissions are payable, except in connection with certain ceded Indian lands, as to which inquiry must be made specifically at the proper district land offices. On all final proofs made before the register, or before any other officer authorized to take proofs, the register is entitled to receive 15 cents for each 100 words reduced to writing, and no proof can be accepted or approved until all fees have been paid.

In all cases where lands are entered under the homestead laws in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming the commissions due to the register and receiver on entries and final proofs, and the testimony fees under final proofs, are 50 per cent more than those above specified, but the entry fee of $5 or $10, as the case may be, is the same in all the States.

Remittances of moneys to the district land offices must be made in cash or currency; but certified checks when drawn in favor of the register of United States land office on National and State banks and trust companies, which can be cashed without cost to the Government, can be used. Likewise, the United States post-office orders are acceptable when they are made payable to the register and are drawn on the post office at the place where the register is located.

ALIENATION OF LAND BY HOMESTEADER.

42. The alienation of all or any part of the land embraced in a homestead prior to making proof, except for the public purposes mentioned in section 2288, Revised Statutes (see Appendix No. 1), will prevent the entryman from making satisfactory proof, since he is required to swear that he has not alienated any part of the land except for the purposes mentioned in section 2288, Revised Statutes.

A mortgage by the entryman prior to final proof for the purpose of securing money for improvements, or for any other purpose not inconsistent with good faith, is not considered such an alienation of the land as will prevent him from submitting satisfactory proof. In such a case, however, should the entry be canceled for any reason prior to patent, the mortgagee would have no claim on the land or against the United States for the money loaned. A mortgagee who files notice of his interest in the district land office becomes entitled to receive and be given the same notice of any contest or other proceeding thereafter had affecting the land which is required to be given the original entryman or claimant.

The right of a homestead entryman to patent is not defeated by the alienation of all or a part of the land embraced in his entry after the submission of final proof and prior to patent, provided the proof submitted is satisfactory. Such an alienation is, however, at the risk of the entryman, for if the reviewing officers of the Land Department subsequently find the final proof so unsatisfactory that it must be wholly rejected and new proof required, the entryman can not then truthfully make the nonalienation affidavit required by section 2291, Revised Statutes, and his entry must in consequence be canceled. The purchaser takes no better title than the entryman had, and if the entry is canceled the purchaser's title must necessarily fail.

Relinquishments run to the United States alone, and no person obtains any right to the land by the mere purchase of a relinquishment of a filing or entry.

ENLARGED HOMESTEADS.

43. The acts of February 19, 1909 (extended by later legislation to additional States), and of June 17, 1910 (Appendix No. 13), provide for the making of homestead entries for areas of not exceeding

320 acres of public land in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, designated by the Secretary of the Interior as nonmineral, nontimbered, nonirrigable. As to Idaho, the act of June 17, 1910, provides that the lands must be "arid."

The terms "arid" or "nonirrigable" land, as used in these acts, are construed to mean land which, as a rule, lacks sufficient rainfall to produce agricultural crops without the necessity of resorting to unusual methods of cultivation, such as the system commonly known as "dry farming," and for which there is no known source of water supply from which such land may be successfully irrigated at a reasonable cost.

Lands containing merchantable timber, or valuable minerals other than coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals, and lands within a reclamation project, or lands which may be irrigated at a reasonable cost from any known source of water supply may not be entered under these acts. Entry may be allowed for the surface only of lands containing any of the minerals named. A legal subdivision will not be regarded as irrigable and excluded from designation under these acts because a minor portion of it is susceptible of irrigation unless said portion is at least one-eighth thereof. Where there is an application for additional entry after submission of final proof on the original the land covered by the original will not be regarded as irrigable, and excluded from designation, upon the ground that more than one-eighth of any subdivision is irrigable, unless said original embraces the equivalent of 20 or more acres of land in a reasonably compact body that can be thoroughly irrigated and reclaimed.

DESIGNATION OF LANDS—PETITIONS.

44. From time to time lists designating the lands which are subject to entry under these acts are sent to the registers in the States affected, and they are instructed immediately upon the receipt of such lists to note the same upon their tract books. In the order of designation, a date is fixed on which it will become effective, and at that time the land becomes subject to entry under the act.

Under the act of March 4, 1915 (38 Stat., 956, Appendix No. 17), a person may file an application for entry under the enlarged-homestead act of a tract of surveyed land which has not been designated thereunder, accompanied by a petition for its designation, or he may file application for additional entry, though part of the land involved has not been designated, accompanied by like petition. He thus secures a preference right of entry if the land be thereafter designated. Attention is directed to the fact that an additional entry can not be allowed unless the tract first entered, as well as the one sought to be added, is designated, and therefore petitions should in all cases cover so much of both tracts as has not already been designated. Instructions prescribing the procedure under the act mentioned are found in a special circular; the act itself is copied in Appendix No. 17.

The fact that lands have been designated as subject to entry is not conclusive as to the character of such lands, and should it afterwards

develop that the land is not of the character contemplated by the above acts the designation may be canceled; but where an entry is made in good faith under the provisions of these acts, such designation will not thereafter be modified to the injury of anyone who in good faith has acted upon such designation. Each entryman must furnish affidavit as required by section 2 of the acts.

COMPACTNESS—FEES.

45. A tract included in an entry under the enlarged-homestead act or in an entry under the general law, and an additional under said act, should be in compact form, and such claim may not be permitted to entirely surround a subdivision of unappropriated lands subject to entry under said act.

The acts provide that the fees shall be the same as those now required to be paid under the homestead laws; therefore, while the fees may not in any one case exceed the maximum fee of $10 required under the general homestead law, the commissions will be determined by the area of the land embraced in the entry. See paragraph 41.

FILING OF APPLICATIONS.

46. Applications to make entry under these acts must be submitted on forms prescribed by the General Land Office; in case of an original entry, Form 4–003, and of an additional entry, Form 4–004.

The affidavit of an applicant as to the character of the land must be corroborated by two witnesses. It is not necessary that such witnesses be acquainted with the applicant, and if they are not so acquainted their affidavit should be modified accordingly.

The affidavit of the witnesses, as well as that of the applicant, must be executed before an officer authorized to administer oaths in homestead cases. See paragraph 16.

ADDITIONAL ENTRY FOR CONTIGUOUS LAND.

47. (*a*) Under section 3 of the enlarged-homestead acts a person who has entered less than 320 acres of land which is of the character described therein, and which has been so designated by the Secretary of the Interior, may make entry of adjoining lands, also so designated, which will not, together with the tract first entered, exceed 320 acres in area. Where proof has not already been submitted on the original claim at the time application for additional entry is filed, residence upon and cultivation of the tract first entered will be accepted as equivalent to residence upon and cultivation of the additional. Credit for compliance with the law as to the additional entry may be allowed from the date of the filing of the application to enter.

(*b*) Where a person makes entry under the general provisions of the homestead laws, and before submission of proof on said entry makes an additional entry under said section 3, the following rules govern the requirements as to the cultivation and residence to be shown by him on submission of proof:

(*c*) He may show compliance with the requirements of the law applicable to his original entry, and that, after the date of additional entry, he cultivated, in addition to such cultivation as was relied upon

and used in perfecting title to the original entry, an amount equal to one-sixteenth of the area of the additional entry for one year, not later than the second year of such additional entry, and one-eighth the following year and each succeeding year until proof submitted; however, the rules explained in paragraph 27 (*b*) are applicable to such cases. The cultivation in support of the additional entry may be maintained upon either entry.

(*d*) When proof is submitted on both entries at the same time, he may show the cultivation of an amount equal to one-sixteenth of the combined area of the two entries for one year, increased to one-eighth the succeeding year, and that such latter amount of cultivation has continued until offer of proof. If cultivation in these amounts can be shown, proof may be submitted without regard to the date of the additional entry, i. e., the required amount of cultivation may have been performed in whole or in part on the original entry before the additional entry was made, and proof on the additional need be deferred only until the showing indicated can be made. Such combined proof may be submitted not later than seven years from the date of the original entry.

(*e*) In instances where proof is first made on the original entry meeting the requirement of the homestead law respecting residence, no further showing in this particular will be exacted in making proof upon the additional entry; neither will a period of residence be exacted in proof upon the combined entry in excess of that required under the original entry.

(*f*) As above indicated, persons who have already submitted proof on their original entries are not, for that reason, deprived of the privilege of making additional entries. However, if a person makes entry for a tract contiguous to the one originally entered, he is required to show that he still owns and occupies (not necessarily resides upon) the tract first entered; in submitting proof on the additional filing, he is accorded credit for all residence on either tract, but must show cultivation of the additional tract itself to the extent and for the period (after the filing of the additional application) required by law. A special circular is issued under the act of March 3, 1915, allowing such additional entries (38 Stat., 956, Appendix No. 13).

ADDITIONAL ENTRY FOR INCONTIGUOUS LAND.

48. (*a*) Under section 7 of the enlarged-homestead acts, added thereto by the act of July 3, 1916 (39 Stat., 344), and the act of September 5, 1916 (39 Stat., 724), a person who has submitted final proof on a homestead entry for less than 320 acres of land of the character contemplated by said acts, has the right to enter sufficient land of similar character, not contiguous to his first entry, to make up therewith not more than 320 acres. He is required to have the same residence and cultivation and a habitable house on the additional entry as though it were an original filing, except where the second tract is within 20 miles of the first, in which case residence and a habitable house on either tract will be accepted. A special circular is issued relating to such additional entries. The act of July 3, 1916 (extended to Idaho by that of Sept. 5, 1916), is printed in Appendix No. 13.

A qualified person who owns and continues to reside on his original entry may make entry for two or more incontiguous tracts within 20 miles of his original entry, if unable to secure in one tract the entire area he is entitled to enter; but one who no longer owns his original entry, or who seeks land not within 20 miles therefrom, can not be allowed to enter incontiguous tracts under this act.

(*b*) Where a person has perfected a homestead entry for less than 160 acres and is entitled to an additional entry for sufficient land to make that area, he may enter under the enlarged-homestead act a tract designated thereunder of an amount double that which he would be entitled to appropriate of land not so designated. (Act of Feb. 20, 1917, 39 Stat., 925, Appendix No. 13.)

Section 1 of the act of March 4, 1923 (42 Stat., 1445), provides that a person who has a subsisting or perfected homestead entry for 160 acres or less of land in a national forest which is of the character contemplated by the enlarged homestead act may make an additional entry for such an amount of land of the same character not in a national forest and within twenty miles from such entry as when the area thereof is added to the area of the original entry will not exceed 320 acres, but at time of making entry thereunder, after proof on the original entry, the applicant must show ownership of and residence on the land in the original entry.

ENTRIES NOT REQUIRING RESIDENCE.

49. The sixth section of the act of February 19, 1909 (35 Stat., 639, Appendix No. 15), provides that not exceeding 2,000,000 acres of land in the State of Utah, which do not have upon them sufficient water suitable for domestic purposes as will render continuous residence upon such lands possible, may be designated by the Secretary of the Interior as subject to entry under the provisions of that act; with the exception, however, that entrymen of such lands need not reside thereon. This act provides in such cases that all entrymen must reside within such distance of the land entered as will enable them successfully to farm the same as required by the act; and no attempt will be made at this time to determine how far from the land an entryman will be allowed to reside, as it is believed that the proper determination of that question will depend upon the circumstances of each case.

During the second year of the entry at least one-eighth of the area must be cultivated, and during the third, fourth, and fifth years, and until submission of final proof, one-fourth of the area entered must be cultivated. Proof may be submitted on entries of this class within seven years after their dates.

The rules relating to petitions for designation of lands, referred to in paragraphs 44 and 47, apply to section 6 of the enlarged-homestead act; applications to make entry thereunder will not be received until the date fixed in the order designating the land as subject to entry under said section, except when accompanied by petitions for designation, complying with the rules with reference thereto.

50. The sixth section of the act of June 17, 1910 (36 Stat., 531), as amended by the act of August 10, 1917 (40 Stat., 273), provides for the designation of 1,000,000 acres of land in the State of Idaho of the same character contemplated by section 6 of the act of Feb-

ruary 19, 1909. One-sixteenth of the cultivable area of the entry must be cultivated during the first year of the entry, one-eighth of the area during the second year, and one-fourth of the area during the third and each succeeding year. Entries made under section 6 of the act prior to August 10, 1917, may be perfected without a showing as to cultivation during the first year, but entryman must show cultivation of one-eighth of the area of the entry during the second year, one-fourth of the area of the entry during the third, fourth, and fifth years and until submission of final proof; but in such cases the entryman must show that he resided within 20 miles from the land in his entry, whereas under the act as amended it is required that "after six months from the date of entry and until final proof the entryman shall be a resident of the State of Idaho." Proof may be submitted on entries of this class within seven years after their dates.

STOCK-RAISING HOMESTEADS.

51. (*a*) The act of December 29, 1916 (39 Stat., 862), provides that the Secretary of the Interior may designate unappropriated, unreserved public lands as "stock-raising lands," where the surface thereof is, in his opinion, chiefly valuable for grazing and raising forage crops, provided they do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, are of such character that 640 acres are reasonably required for the support of a family, and contain no water holes or other bodies of water needed or used by the public for watering purposes.

(*b*) Where lands are thus designated any person qualified to make entry under the homestead laws may make a homestead entry for not exceeding 640 acres thereof, and the fact that the tract sought may be valuable for coal or other minerals is not material, since all minerals are reserved to the United States.

(*c*) There is required compliance with the provisions of the general law with respect to residence and the erection of a habitable house. No specific amount of cultivation is required, but it must be shown, on submission of proof, that the entryman has made permanent improvements upon the tract, tending to increase its value for stock-raising purposes, of the value of not less than $1.25 per acre, half of which improvements must be placed there within three years after entry; also that the land has been used for three years for raising stock and forage crops.

(*d*) Preference right of entry through applications accompanied by petitions for designation may be secured in substantially the same manner as under the enlarged-homestead law.

(*e*) The act provides for additional entries and for entries conditioned on the surrender of former filings. These matters, as well as the preferential right for additional entry of contiguous lands, are explained in a special circular issued under this act.

(*f*) Section 2 of the act of March 4, 1923 (42 Stat., 1445), provides that a person who made a homestead entry for 160 acres or less of land in a national forest which is of the character contemplated by the stock-raising act, who has not submitted final proof upon his existing entry, may make an additional entry under this section of the act for such an area not in a national forest and within a radius of

20 miles from the original entry as, when added to the area of the original entry, will not exceed 640 acres. An additional stock-raising entry may also be made after proof on such forest homestead entry if the applicant can show he is owner of and residing on the land in his original entry at the time of filing application for additional entry.

(*g*) An additional entry under section 6, of the act of March 2, 1889 (25 Stat., 854), or under the act of July 3, 1916 (39 Stat., 344), upon which residence has been or is maintained, may be the basis for a stock-raising additional entry for land within 20 miles of such additional entry.

SURFACE HOMESTEAD ENTRIES FOR COAL, OIL, OR GAS LANDS.

52. Homestead applications for lands embraced in applications for coal, oil, or gas prospecting permits or leases when filed in the local land office must be suspended and forwarded to the General Land Office for consideration and instructions and all homestead applications for lands, classified as or known to be valuable for coal, oil, or gas, must be accompanied with the consent of the applicant that his application be allowed in accordance with and subject to the provisions and reservations of the act of June 22, 1910 (36 Stat., 583) as to coal, or of the act of July 17, 1914 (38 Stat., 509) as to oil or gas. A stock-raising entry can not be allowed for lands included in a petroleum reserve or Naval petroleum reserve, but lands within such reserve other than a Naval petroleum reserve are subject to entry under section 2289 of the United States Revised Statutes, or under the enlarged homestead acts with a reservation of the mineral deposits in the land to the United States under the said act of July 17, 1914. All nonmineral applications for lands which have been or shall be designated by the department as being within the known geological structures of producing oil or gas fields, or for lands in an approved lease, must be rejected (by the register). Nonmineral applications found to be in conflict with prior coal, oil, or gas prospecting permit applications may be returned to the district office by the Commissioner of the General Land Office for allowance, if after due notice the mineral applicants make no objections and after proper consents to the reservation to the United States of the mineral in the land have been obtained from the homestead applicants together with consent that the application be subject to the rights of the prior permittees or lessees, as the case may be, to use so much of the surface of the land applied for as is necessary in extracting and removing the mineral deposits without compensation to the homestead applicants for such use in accordance with section 29 of the act of February 25, 1920 (41 Stat., 437).

Very respectfully,

WILLIAM SPRY,
Commissioner.

Approved:
E. C. FINNEY,
First Assistant Secretary.

APPENDIX.

(No. 1.)

UNITED STATES REVISED STATUTES.

SEC. 2288. Any bona fide settler under the preemption, homestead, or other settlement law shall have the right to transfer by warranty against his own acts any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, telegraph, telephones, canals, reservoirs, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim. (As amended by act Mar. 3, 1905.)

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter section, or a less quantity, of unappropriated public lands, to be located in a body in conformity to the legal subdivisions of the public lands; but no person who is the proprietor of more than one hundred and sixty acres of land in any State or Territory shall acquire any right under the homestead law. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres. (As amended by act Mar. 3, 1891.)

SEC. 2290. That any person applying to enter land under the preceding section shall first make and subscribe before the proper officer and file in the proper land office an affidavit that he or she is the head of a family, or is over twenty-one years of age, and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation, and that he or she will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself or herself, and that he or she has not directly or indirectly made, and will not make, any agreement or contract in any way or manner, with any person or persons, corporation, or syndicate whatsoever, by which the title which he or she might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person, except himself or herself, and upon filing such affidavit with the

register or receiver, on payment of five dollars, when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he or she shall thereupon be permitted to enter the amount of land specified. (As amended by act Mar. 3, 1891.)

SEC. 2291. [This section, as amended by the act of June 6, 1912, is given in Appendix No. 14.] Prior to the passage of that act, section 2291 read as follows:

SEC. 2291. No certificate, however, shall be given or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or, if he be dead, his widow; or, in case of her death, his heirs or devisee; or, in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they will bear true allegiance to the Government of the United States; then in such case he, she, or they, if at that time citizens of the United States, shall be entitled to a patent as in other cases provided by law.

SEC. 2292. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase and be entitled to a patent from the United States on the payment of the office fees and sum of money above specified.

SEC. 2293. In case of any person desirous of availing himself of the benefits of this chapter, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

[1] SEC. 2294. That hereafter all proofs, affidavits, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, preemption, timber-culture, desert-land, and timber and stone acts, may in addition to those now authorized to take such affidavits, proofs, and oaths be made before any United

[1] This section was amended by the act of July 3, 1926 (Pub. No. 473), so as to also qualify duly appointed notaries public, and prothonotaries of courts of record and the deputies of clerks of such courts, and of prothonotaries and magistrates duly authorized to administer oaths by the laws of the State, District, or Territory, to administer oaths in public land cases. See Appendix No. 23.

States commissioner or commissioner of the court exercising Federal jurisdiction in the Territory or before the judge or clerk of any court of record in the county, parish, or land district in which the lands are situated: *Provided*, That in cases where because of geographic or topographic conditions there is a qualified officer nearer or more accessible to the land involved, but outside the county and land district, affidavits, proofs, and oaths may be taken before such officer: *Provided further*, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken outside of the county or land district in which the land is located, the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take such affidavits, proofs, and oaths; but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, or which may have heretofore been so made and duly subscribed, shall have the same force and effect as if made before the register and receiver when transmitted to them with the fees and commissions allowed and required by law. That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver, shall be as follows:

For each affidavit, 25 cents.

For each deposition of claimant or witness, when not prepared by the officer, 25 cents.

For each deposition of claimant or witness prepared by the officer, $1.

Any officer demanding or receiving a greater sum for such service shall be guilty of misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding $100. [As amended by acts of March 4, 1904 (33 Stat., 59), and Feb. 23, 1923 (42 Stat., 1281).]

SEC. 2296. No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

SEC. 2297. [This section as amended by the act of June 6, 1912, is given in Appendix No. 14.] Prior to the passage of that act section 2297 read as follows:

SEC. 2297. If, at any time after the filing of the affidavit, as required in section twenty-two hundred and ninety, and before the expiration of the five years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit has actually changed his residence or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided*, That where there may be climatic reason the Commissioner of the General Land Office may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe. (As amended by act of Mar. 3, 1881.)

SEC. 2298. No person shall be permitted to acquire title to more than one quarter section under the provisions of this chapter.

SEC. 2299. Nothing contained in this chapter shall be so construed as to impair or interfere in any manner with existing preemption rights; and all persons who may have filed their applications for a preemption right prior to the twentieth day of May, eighteen hundred and sixty-two, shall be entitled to all the privileges of this chapter.

* * * * * * *

SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who shall hereafter avail himself of the benefits of section twenty-two hundred and eighty-nine from paying the minimum price for the quantity of land so entered at any time after the expiration of fourteen calendar months from the date of such entry, and obtaining a patent therefor, upon making proof of settlement and of residence and cultivation for such period of fourteen months, and the provision of this section shall apply to lands on the ceded portion of the Sioux Reservation by act approved March second, eighteen hundred and eighty-nine, in South Dakota, but shall not relieve said settlers from any payments now required by law. (As amended by act Mar. 3, 1891, 26 Stat., 1095.)

SEC. 2302. No distinction shall be made in the construction or execution of this chapter on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions.

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SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February thirteenth, eighteen hundred and sixty-two; and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government; and every private soldier and officer who has served in the Army of the United States during the Spanish War, or who has served, is serving, or shall have served in the said Army during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged; and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the Spanish War, or who has served, is serving, or shall have served in the said forces during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settle-

ment and improvement. (As amended by act Mar. 1, 1901, 31 Stat., 847.)

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements: *Provided*, That in every case in which a settler on the public land of the United States under the homstead laws died while actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine, during the War with Spain or the Philippine insurrection, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, may proceed forthwith to make final proof upon the land so held by the deceased soldier and settler, and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation for the full period of five years, and shall entitle his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, to make final proof upon and receive Government patent for said land; and that upon proof produced to the officers of the proper local land office by the widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, that the applicant for patent is the widow, if unmarried, or in case of her death or marriage, his orphan children or his or their legal representatives, and that such soldier, sailor, or marine died while in the service of the United States as hereinbefore described, the patent for such land shall issue. (As amended by act of Mar. 1, 1901, 31 Stat., 847.)

* * * * * * *

SEC. 2307. In case of the death of any person who would be entitled to a homestead under the provisions of section two thousand three hundred and four, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvement therein contained; but if such person died during his term of enlistment, the whole term of his enlistment shall be deducted from the time heretofore required to perfect the title.

* * * * * * *

SEC. 2309. Every soldier, sailor, marine, officer, or other person coming within the provisions of section two thousand three hundred and four, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in preemption cases; but such claimant in person shall within the time prescribed make his

actual entry, commence settlement and improvements on the same, and thereafter fulfill the requirements of the law.

(No. 2.)

THREE HUNDRED AND TWENTY ACRE LIMITATION.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

No person who shall, after the passage of this act, enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry, or settlement is validated by this act: *Provided*, That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act, west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States.

Approved August 30, 1890. (26 Stat., 391.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 17. That reservoir sites located or selected and to be located and selected under the provisions of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes," and amendments thereto, shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs, excluding so far as practicable lands occupied by actual settlers at the date of the location of said reservoirs; and that the provisions of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes," which reads as follows, viz: "No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws," shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands, and not include lands entered or sought to be entered under mineral-land laws.

Approved March 3, 1891. (26 Stat., 1095.)

(No. 3.)

FREE HOMESTEAD ACT.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all settlers under the homestead laws of the United States upon the agricultural

public lands, which have already been opened to settlement, acquired prior to the passage of this act by treaty or agreement from the various Indian tribes, who have resided or shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands in the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect. * * *

Approved May 17, 1900. (31 Stat., 179.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section twenty-three hundred and one of the Revised Statutes of the United States, as amended, allowing homestead settlers to commute their homestead entries be, and the same hereby are, extended to all homestead settlers affected by or entitled to the benefit of the provisions of the act entitled "An act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose," approved the seventeenth day of May, anno Domini nineteen hundred: *Provided, however*, That in commuting such entries the entryman shall pay the price provided in the law under which original entry was made.

Approved January 26, 1901. (31 Stat., 740.)

(No. 4.)

ADDITIONAL HOMESTEAD ENTRIES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 6. That every person entitled, under the provisions of the homestead law, to enter a homestead, who has heretofore complied with or who shall hereafter comply with the conditions of said laws, and who shall have made his final proof thereunder for a quantity of land less than one hundred and sixty acres and received the receiver's final receipt therefor, shall be entitled under said laws to enter as personal right, and not assignable, by legal subdivisions of the public lands of the United States subject to homestead entry, so much additional lands as added to the quantity previously so entered by him shall not exceed one hundred and sixty acres: *Provided*, That in no case shall patent issue for the land covered by such additional entry until the person making such additional entry shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise fully complied with such laws: *Provided also*, That this section shall not be construed as affecting any rights as to location of soldiers' certificates heretofore issued under section two thousand three hundred and six of the Revised Statutes.

Approved March 2, 1889. (25 Stat., 854.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 2. That any homestead settler who has heretofore entered, or may hereafter enter, less than one-quarter section of land may enter other and additonal land lying contiguous to the original entry which shall not, with the land first entered and occupied, exceed in the aggregate one hundred and sixty acres, without proof of residence upon and cultivation of the additional entry; and if final proof of settlement and cultivation has been made for the original entry when the additional entry is made, then the patent shall issue without further proof: *Provided*, That this section shall not apply to or for the benefit of any person who does not own and occupy the lands covered by the original entry: *And provided*, That if the original entry should fail for any reason prior to patent, or should appear to be illegal or fraudulent, the additional entry shall not be permitted, or, if having been initiated, shall be canceled.

SEC. 3. That commutation under the provisions of section twenty-three hundred and one of the Revised Statutes shall not be allowed of an entry made under this act.

Approved April 28, 1904. (33 Stat., 527.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any homestead entryman of one hundred and sixty acres or less of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of the Enlarged Homestead Act of February 19, 1909, or June 17, 1910, who has not submitted final proof upon his existing entry, and any homestead entryman who has submitted final proof, or received patent, for such an amount of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as of the character described in said Act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land, of that same character, not in a national forest, and within a radius of twenty miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed three hundred and twenty acres, and residence upon the original entry shall be credited on both entries; but cultivation must be made on the additional entry as required by said Act. For the purposes of this Act the Secretary of the Interior is authorized to designate as subject to the Enlarged Homestead Acts lands embraced, at the time of such designation, within valid subsisting entries within national forests.

SEC. 2. That any homestead entrymen of one hundred and sixty acres or less of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of the Stock Raising Homestead Act of December 29, 1916, who has not submitted final proof upon his existing entry, and also any homestead entryman who has submitted final proof or received patent, for such an amount of lands that are of the character described as subject to entry under the provisions of the said Stock Raising Homestead Act, and who owns and resides

upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land of that same character, not in a national forest and within a radius of twenty miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed six hundred and forty acres, and residence upon the original entry shall be credited on both entries; but improvements must be made on the additional entry equal to $1.25 for each acre thereof. For the purposes of this Act the Secretary of the Interior is authorized to designate under the Stock Raising Homestead Act lands embraced, at the time of such designation, within valid subsisting entries within national forests.

Approved March 4, 1923. (42 Stat., 1445.)

(No. 5.)

SECOND HOMESTEAD ENTRIES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person otherwise duly qualified to make entry or entries of public lands under the homestead or desert-land laws, who has heretofore made or may hereafter make entry under said laws, and who, through no fault of his own, may have lost, forfeited, or abandoned the same, or who may hereafter lose, forfeit, or abandon same, shall be entitled to the benefits of the homestead or desert-land laws as though such former entry or entries had never been made: *Provided*, That such applicant shall show to the satisfaction of the Secretary of the Interior that the prior entry or entries were made in good faith, were lost, forfeited, or abandoned because of matters beyond his control, and that he has not speculated in his right nor committed a fraud or attempted fraud in connection with such prior entry or entries.

Approved September 5, 1914. (38 Stat., 712.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 2. That any person who, prior to the passage of an act entitled "An act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose," approved May seventeenth, nineteen hundred, having made a homestead entry and perfected the same and acquired title to the land by final entry by having paid the price provided in the law opening the land to settlement, and who would have been entitled to the provisions of the act before cited had final entry not been made prior to the passage of said act, may make another homestead entry of not exceeding one hundred and sixty acres of any of the public lands in any State or Territory subject to homestead entry: *Provided*, That any person desiring to make another entry under this act will be required to make affidavit, to be transmitted with the other filing papers now required by law, giving the description of the tract formerly entered, date and number of entry, and name of the land office where made, or other sufficient data to admit of readily

identifying it on the official records: *And provided further*, That said person has all the other proper qualifications of a homestead entryman: *And provided also*, That commutation under section twenty-three hundred and one of the Revised Statutes or any amendment thereto, or any similar statute, shall not be permitted of an entry made under this act, excepting where the final proof, submitted on the former entry hereinbefore described, shows a residence upon the land covered thereby for the full period of five years or such term of residence thereon as added to any properly credited military or naval service shall equal such period of five years.

Approved May 22, 1902. (32 Stat., 203.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 2. That any person who has heretofore made entry under the homestead laws and commuted same under provisions of section twenty-three hundred and one of the Revised Statutes of the United States and the amendments thereto, shall be entitled to the benefits of the homestead laws, as though such former entry had not been made except that commutation under the provisions of section twenty-three hundred and one of the Revised Statute shall not be allowed of an entry made under this section of this act.

Approved June 5, 1900. (31 Stat., 267.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act any person who has heretofore entered under the homestead laws, and paid a price equivalent to or greater than $2.50 per acre, lands embraced in a ceded Indian reservation, shall, upon proof of such fact, if otherwise qualified, be entitled to the benefits of the homestead law as though such former entry had not been made: *Provided*, That the provisions of this act shall not apply to any person who has failed to pay the full price for his former entry, or whose former entry was canceled for fraud.

Approved February 25, 1925. (43 Stat., 981.)

(No. 6.)

RIGHTS OF SETTLERS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 3. That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States Land Office as is now allowed to settlers under the pre-emption laws to put their claims on record, and his right shall relate back to the date of settlement the same as if he settled under the preemption laws.

Approved May 14, 1880. (21 Stat., 140.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 2. That all commutations of homestead entries shall be allowed after the expiration of fourteen months from date of settlement.

Approved June 3, 1896. (29 Stat., 197.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any qualified person who has heretofore or shall hereafter in good faith make settlement upon and improve unsurveyed, unreserved, unappropriated public lands of the United States with intention, upon survey, of entering same under the homestead laws shall be entitled to a leave of absence in one or two periods not exceeding in the aggregate five months in each year after establishment of residence: *Provided*, That he shall have plainly marked on the ground the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed, of the period of intended absence, and that he shall upon the termination of the absence and his return to the land file notice thereof in the local land office.

Approved July 3, 1916. (39 Stat., 341.)

HOMESTEAD ENTRY BY MARRIED WOMAN.

(No. 7.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of the act of Congress approved May fourteenth, eighteen hundred and eighty, entitled "An act for the relief of settlers on the public lands," be amended by adding thereto the following:

"Where an unmarried woman who has heretofore settled or may hereafter settle, upon a tract of public land, improved, established, and maintained a bona fide residence thereon, with the intention of appropriating the same for a home, subject to the homestead law, and has married, or shall hereafter marry, before making entry of said land, or before making application to enter said land, she shall not, on account of her marriage, forfeit her right to make entry and receive patent for the land: *Provided*, That she does not abandon her residence on said land and is otherwise qualified to make homestead entry: *Provided further*, That the man whom she marries is not at the time of their marriage claiming a separate tract of land under the homestead law.

"That this act shall be applicable to all unpatented lands claimed by such entrywoman at the date of passage."

Approved June 6, 1900. (31 Stat., 683.)

(No. 8.)

SETTLERS WHO BECOME INSANE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases in which parties who regularly initiated claims to public lands as settlers

thereon, according to the provisions of the preemption or homestead laws, have become insane or shall hereafter become insane before the expiration of the time during which their residence, cultivation, or improvement of the land claimed by them is required by law to be continued in order to entitle them to make the proper proof and perfect their claims, it shall be lawful for the required proof and payment to be made for their benefit by any person who may be legally authorized to act for them during their disability, and thereupon their claims shall be confirmed and patented, provided it shall be shown by proof satisfactory to the Commissioner of the General Land Office that the parties complied in good faith with the legal requirements up to the time of their becoming insane, and the requirements in homestead entries of an affidavit of allegiance by the applicant in certain cases as a prerequisite to the issuing of the patents shall be dispensed with so far as regards such insane parties.

Approved June 8, 1880. (21 Stat., 166.)

(No. 9.)

LEAVES OF ABSENCE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 3. That whenever it shall be made to appear to the register and receiver of any public land office, under such regulations as the Secretary of the Interior may prescribe, that any settler upon the public domain under existing law is unable, by reason of a total or partial destruction or failure of crops, sickness, or other unavoidable casualty, to secure a support for himself, herself, or those dependent upon him or her upon the lands settled upon, then such register and receiver may grant to such a settler a leave of absence from the claim upon which he or she has filed for a period not exceeding one year at any one time, and such settler so granted leave of absence shall forfeit no rights by reason of such absence: *Provided*, That the time of such actual absence shall not be deducted from the actual residence required by law.

Approved March 2, 1889. (25 Stat., 854.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the register and receiver of the local land office under rules and regulations made by the Commissioner of the General Land Office may, upon proper showing, upon application of the homesteader, and only for climatic conditions, which makes residence on the homestead for seven months in each year a hardship, reduce the term of residence to not more than six months in each year, over a period of four years, or to not more than five months each year over a period of five years, but the total residence required shall in no event exceed twenty-five months, not less than five of which shall be in each year, proof to be made within five years after entry.

Approved February 25, 1919. (40 Stat., 1153.)

(No. 10.)

FINAL PROOF NOTICE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That before final proof shall be submitted by any person claiming to enter agricultural lands under the laws providing for preemption or homestead entries, such person shall file with the register of the proper land office a notice of his or her intention to make such proof, stating therein the description of lands to be entered and the names of the witnesses by whom the necessary facts will be established. Upon the filing of such notice the register shall publish a notice that such application has been made once a week for the period of thirty days in a newspaper to be by him designated as published nearest to such land, and he shall also post such notice in some conspicuous place in his office for the same period. Such notice shall contain the names of the witnesses as stated in the application. At the expiration of said period of thirty days the claimant shall be entitled to make proof in the manner heretofore provided by law. The Secretary of the Interior shall make all necessary rules for giving effect to the foregoing provisions.

Approved March 3, 1879. (20 Stat., 472.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 7. That the "act to provide additional regulations for homestead and preemption entries of public land," approved March third, eighteen hundred and seventy-nine, shall not be construed to forbid the taking of testimony for final proof within ten days following the day advertised as upon which such final proof shall be made in cases where accident or unavoidable delays have prevented the applicant or witnesses from making such proof on the date specified.

Approved March 2, 1889. (25 Stat., 854.)

(No. 11.)

PENALTIES FOR DESTROYING CORNER MONUMENTS.

UNITED STATES CRIMINAL CODE—CHAP. 4, SEC. 57. Whoever shall wilfully destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post on any Government line of survey, or shall wilfully cut down any witness tree or any tree blazed to mark the line of a Government survey, or shall wilfully deface, change, or remove any monument or bench mark of any Government survey, shall be fined not more than two hundred and fifty dollars, or imprisoned not more than six months, or both.

(No. 12.)

RELINQUISHMENTS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when a preemption, homestead, or timber-culture claimant shall file a written

relinquishment of his claim in the local land office the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Commissioner of the General Land Office.

* * * * * * *

Approved May 14, 1880. (21 Stat., 140.)

(No. 13.)

ENLARGED HOMESTEADS.

The act of February 19, 1909 (35 Stat., 639), was amended by the acts of June 13, 1912 (37 Stat., 132), March 3, 1915 (38 Stat., 953), and March 4, 1915 (38 Stat., 1162), California, Kansas, North Dakota, and South Dakota being inserted among the States affected thereby; it was further amended by the acts of February 11, 1913 (37 Stat., 666), March 3, 1915 (38 Stat., 956), and July 3, 1916 (39 Stat., 344), by inserting new sections, Nos. 3 and 4, and adding a seventh section. The act as it now stands reads as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this act, in the States of Arizona, California, Colorado, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, three hundred and twenty acres, or less of nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body, and not over one and one-half miles in extreme length: *Provided*, That no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply.

"SEC. 2. That any person applying to enter land under the provisions of this act shall make and subscribe before the proper officer an affidavit as required by section twenty-two hundred and ninety of the Revised Statutes, and in addition thereto shall make affidavit that the land sought to be entered is of the character described in section one of this act, and shall pay the fees now required to be paid under the homestead laws.

"SEC. 3. That any person who has made, or shall make, homestead entry of lands of the character herein described, and who has not submitted final proof thereon, or who having submitted final proof still owns and occupies the land thus entered, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his first entry, which shall not, together with the original entry, exceed three hundred and twenty acres: *Provided*, That the land originally entered and that covered by the additional entry shall have first been designated as subject to this act, as provided by section one thereof.

"SEC. 4. That at the time of making final proof, as provided in section twenty-two hundred and ninety-one of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affi-

davits required under said section, prove by himself and two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses, beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made, or who hereafter makes, additional entry under the provisions of section three of this act to an entry upon which final proof has not been made, may be allowed to perfect title to his original entry by showing compliance with the provisions of section twenty-two hundred and ninety-one of the Revised Statutes, respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvement made upon his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such a combined entry is hereby extended to seven years from the date of the original entry: *Provided further*, That where an entry is made as additional to an entry upon which final proof has theretofore been submitted by an entryman who still owns and occupies the land thus entered, the entryman in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date thereof, but the cultivation required upon entries made under this act must be shown respecting such additional entry and must be performed upon the land included therein to the extent and for the period required in connection with the original entries under this act, proof of which must be submitted within five years from and after the date of the additional entry: *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence as required by section twenty-two hundred and ninety-one of the Revised Statutes.

"SEC. 5. That nothing herein contained shall be held to affect the right of a qualified entryman to make homestead entry in the States named in section one of this act under the provisions of section twenty-two hundred and eighty-nine of the Revised Statutes, but no person who has made entry under this act shall be entitled to make homestead entry under the provisions of said section, and no entry made under this act shall be commuted.

"SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land, in the State of Utah, subject to entry under this act, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence

upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate two million acres, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this section.

"SEC. 7. That any person who has made or shall make homestead entry of less than three hundred and twenty acres of lands of the character herein described, and who shall have submitted final proof thereon, shall have the right to enter public lands subject to the provisions of this act, not contiguous to his first entry, which shall not with the original entry exceed three hundred and twenty acres: *Provided*, That the land originally entered and that covered by the additional entry shall first have been designated as subject to this act, as provided by section one thereof: *Provided further*, That in no case shall patent issue for the land covered by such additional entry until the person making same shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise complied with such laws, except that where the land embraced in the additional entry is located not exceeding twenty miles from the land embraced in the original entry no residence shall be required on such additional entry if the entryman is residing on his former entry: *And provided further*, That this section shall not be construed as affecting any rights as to location of soldiers' additional homesteads under section twenty-three hundred and six of the Revised Statutes."

In the act of June 17, 1910 (36 Stat., 531), applicable to Idaho alone, as amended by the acts of September 5, 1916 (39 Stat., 724), August 10, 1917 (40 Stat., 273), and earlier acts, sections 2, 3, 4, and 5 are identical with those in the above act of February 19, 1909, as amended. Sections 1, 6, and 7 are as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivision, under the provisions of this act, in the State of Idaho, three hundred and twenty acres or less of arid nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body and not over one and one-half miles in extreme length: *Provided*, That no lands shall be subject to entry under the provisions of this act until the lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation, at a reasonable cost, from any known source of water supply.

"SEC. 6. That whenever the Secretary of the Interior shall find any tracts of land in the State of Idaho, subject to entry under this act, do not have upon them a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the

lands possible he may, in his discretion, designate such tracts of land, not to exceed in the aggregate one million acres, and thereafter they shall be subject to entry under this act without the necessity of residence upon the land entered: *Provided*, That the entryman shall in good faith cultivate not less than one-sixteenth of the entire area of the entry which is susceptible of cultivation during the first year of the entry, not less than one-eighth during the second year, and not less than one-fourth during the third year of the entry and until final proof: *Provided further*, That after six months from the date of entry and until final proof the entryman shall be a resident of the State of Idaho.

"SEC. 7. That any person who has made or shall make homestead entry of less than three hundred and twenty acres of lands of the character herein described, and who shall have submitted final proof thereon, shall have the right to enter public lands subject to the provisions of this act, not contiguous to his first entry, which shall not with the original entry exceed three hundred and twenty acres: *Provided*, That the land originally entered and that covered by the additional entry shall first have been designated as subject to this act or the act of February nineteenth, nineteen hundred and nine (Thirty-fifth Statutes, page six hundred and thirty-nine), as provided by section one of said acts: *Provided further*, That in no case shall patent issue for the land covered by such additional entry until the person making same shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise complied with such laws, except that where the land embraced in the additional entry is located not exceeding twenty miles from the land embraced in the original entry, no residence shall be required on such additional entry if the entryman is residing on his former entry: *And provided further*, That this section shall not be construed as affecting any rights as to location of soldiers' additional homesteads under section twenty-three hundred and six of the Revised Statutes."

NOTE.—As to cultivation of lands entered under section 6 of both of the above acts, the requirements in that respect are reduced by the provisions of the three-year homestead law of June 6, 1912, printed next below; as to Idaho the cultivation requirements were further changed by act of August 10, 1917. See paragraphs 49 and 50.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person otherwise qualified who has obtained title under the homestead laws to less than one quarter section of land may make entry and obtain title under the provisions of the act entitled "An act to provide for enlarged homesteads," approved February nineteenth, nineteen hundred and nine, and an act of June seventeenth, nineteen hundred and ten, entitled "An act to provide for an enlarged homestead," for such an area of public lands as will, when one-half of such area is added to the area of the lands to which he has already obtained title, not exceed one quarter section: *Provided*, That this act shall not be construed to apply to soldiers' additional homestead entries made under section twenty-three hundred and six, United States Revised Statutes, or acts amendatory thereof or supplemental thereto.

Approved February 20, 1917. (39 Stat., 925.)

(No. 14.)

THE THREE-YEAR HOMESTEAD LAW.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-two hundred and ninety-one and section twenty-two hundred and ninety-seven of the Revised Statutes of the United States be amended to read as follows:

"SEC. 2291. No certificate, however, shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or, if he be dead, his widow; or, in case of her death, his heirs or devisee; or, in case of a widow making such entry, her heirs or devisee, in case of her death, proves by himself and by two credible witnesses that he, she, or they have a habitable house upon the land and have actually resided upon and cultivated the same for a term of three years succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they will bear true allegiance to the Government of the United States, then in such case he, she, or they, if at that time citizens of the United States, shall be entitled to a patent as in other cases provided by law: *Provided*, That upon filing in the local land office notice of the beginning of such absence, the entryman shall be entitled to a continuous leave of absence from the land for a period not exceeding five months in each year after establishing residence, and upon the termination of such absence the entryman shall file a notice of such termination in the local land office, but in case of commutation the fourteen months' actual residence as now required by law must be shown and the person commuting must be at the time a citizen of the United States: *Provided*, That when the person making entry dies before the offer of final proof those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death and that they have since complied with the law in all respects as would have been required of the entryman had he lived, excepting that they are relieved from any requirement of residence upon the land: *Provided further*, That the entryman shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry, and until final proof, except that in the case of entries under section 6 of the enlarged-homestead law double the area of cultivation herein provided shall be required, but the Secretary of the Interior may, upon a satisfactory showing, under rules and regulations prescribed by him, reduce the required area of cultivation: *Provided*, That the above provision as to cultivation shall not apply to entries under the act of April twenty-eighth, nineteen hundred and four, commonly known as the Kinkaid Act, or entries under the act of June seventeenth, nineteen hundred and two, commonly known as the reclamation act, and that the provisions of this section relative to the homestead period shall apply to all unperfected entries as well as entries hereafter made upon which residence is required: *Provided*, That

the Secretary of the Interior shall, within sixty days after the passage of this act, send a copy of the same to each homestead entryman of record who may be affected thereby, by ordinary mail to his last known address, and any such entryman may, by giving notice within one hundred and twenty days after the passage of this act, by registered letter to the register and receiver of the local land office, elect to make proof upon his entry under the law under which the same was made without regard to the provisions of this act.

"SEC. 2297. If, at any time after the filing of the affidavit as required in section twenty-two hundred and ninety and before the expiration of the three years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land office that the person having filed such affidavit has failed to establish residence within six months after the date of entry, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided*, That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land: *And provided further*, That where there may be climatic reasons, sickness, or other unavoidable cause the Commissioner of the General Land Office may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe."

Approved June 6, 1912. (37 Stat., 123.)

An act of Congress, approved August 24, 1912 (37 Stat., 455), dispensed with the necessity of filing the election provided in the above act.

The act of August 22, 1914 (38 Stat., 704), amendatory of the first proviso to section 2291, Revised Statutes, as amended, reads as follows:

"That the entryman mentioned in section 2291, Revised Statutes of the United States, as amended by the act of June 6, 1912 (37 Stat., 123), upon filing in the local land office notice of the beginning of such absence at his option shall be entitled to a leave of absence in one or two continuous periods not exceeding in the aggregate five months in each year after establishing residence; and upon the termination of such absence, in each period, the entryman shall file a notice of such termination in the local land office; but in case of commutation the 14 months' actual residence, as now required by the law, must be shown, and the person commuting be at the time a citizen of the United States."

(No. 15.)

SETTLEMENT RIGHTS UNDER ENLARGED HOMESTEAD ACTS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three of the act of Congress approved May fourteenth, eighteen hundred and eighty (Twenty-first Statutes, one hundred and forty), be, and the same is hereby, amended by adding thereto the following:

"*Provided*, That any settler upon lands designated by the Secretary of the Interior as subject to the provisions of sections one to five

of the enlarged homestead acts of February nineteenth, nineteen hundred and nine (Thirty-fifth Statutes, six hundred and thirty-nine), and June seventeenth, nineteen hundred and ten (Thirty-sixth Statutes, five hundred and thirty-one), shall be entitled to the preference right of entry accorded by this section, provided he shall have plainly marked the exterior boundaries of the lands claimed as his homestead: *And provided further*, That after the designation by the Secretary of the Interior of public lands for entry under the non-residence provisions of the enlarged homestead acts of February nineteenth, nineteen hundred and nine, and June seventeenth, nineteen hundred and ten, any person who shall have plainly marked the exterior boundaries of the lands claimed under said provisions of law and made valuable improvements thereon shall have a preference right to enter the lands so claimed and improved at any time within three months after the date on which such lands become subject to entry, but such right shall forfeit unless the settler or claimant under the provisions of the enlarged homestead acts shall annually cultivate and improve the lands in the form and manner and to the extent therein required following date of initiation of his claim hereunder."

Approved, August 9, 1912. (37 Stat., 267.)

(No. 16.)

SETTLEMENT PRIOR TO THREE-YEAR HOMESTEAD LAW.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

That any person entitled to enter lands under the homestead laws, who may have established residence upon unsurveyed lands (which were subject to homestead entry) prior to the passage and approval of the act of June sixth, nineteen hundred and twelve, entitled "An act to amend section twenty-two hundred and ninety-one and section twenty-two hundred and ninety-seven of the Revised Statutes relating to homesteads," may perfect his proof for such lands under said act of June sixth, nineteen hundred and twelve, or under the law existing at the time of the establishment of such residence, as he may elect, such election to be signified to the Department of the Interior in accordance with rules and regulations to be prescribed by the Secretary.

* * * * * * *

Approved March 4, 1913. (37 Stat., 925.)

(No. 17.)

PETITIONS FOR DESIGNATION UNDER ENLARGED HOMESTEAD ACTS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where any person qualified to make entry under the provisions of the act of February nineteenth, nineteen hundred and nine, and acts amendatory thereof and supplemental thereto, shall make application to enter under the provisions of said acts any unappropriated public

land in any State affected thereby which has not been designated as subject to entry under the act (provided said application is accompanied and supported by properly corroborated affidavit of the applicant in duplicate, showing prima facie that the land applied for is of the character contemplated by said acts), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located, and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character; that during such suspension the land described in said application shall be segregated by the said register and receiver and not subject to entry until the case is disposed of; and if it shall be determined that such land is of the character contemplated by the said acts, then such application shall be allowed; otherwise it shall be rejected, subject to appeal: *Provided*, That the provisions of this act shall apply to the application of a qualified entryman to make additional entry of unappropriated land adjoining his unperfected homestead entry, the area of which, together with his original entry, shall not exceed three hundred and twenty acres.

* * * * * * *

Approved March 4, 1915. (38 Stat., 1162.)

(No. 18.)

INTERMARRIAGE BETWEEN HOMESTEADERS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the marriage of a homestead entryman to a homestead entrywoman after each shall have fulfilled the requirements of the homestead law for one year next preceding such marriage shall not impair the right of either to a patent, but the husband shall elect, under rules and regulations prescribed by the Secretary of the Interior, on which of the two entries the home shall thereafter be made, and residence thereon by the husband and wife shall constitute a compliance with the residence requirements upon each entry: *Provided*, That the provisions hereof shall apply to existing entries: *Provided further*, That in the administration of this act the terms "entryman" and "entrywoman" shall be construed to include bona fide settlers who have complied with the homestead law for at least one year next preceding such marriage.

Approved March 1, 1921. (41 Stat., 1193.)

(No. 19.)

MARRIAGE OF ENTRYWOMAN WITH ALIEN.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any female citizen of the United States who has initiated a claim to a tract of public land under any of the laws applicable thereto, and who thereafter has complied with all the conditions as to the acquisition of title to such land prescribed by the public-land laws of the United States, shall, notwithstanding her intermarriage with an alien, who is en-

titled to become a citizen of the United States, be entitled to a certificate or patent to such entry equally as though she had remained unmarried or had married an American citizen.

Approved October 17, 1914. (38 Stat., 740.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman.

SEC. 2. That any woman who marries a citizen of the United States after the passage of this act, or any woman whose husband is naturalized after the passage of this act, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(*a*) No declaration of intention shall be required;

(*b*) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition.

SEC. 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this act, unless she makes a formal renunciation of her citizenship before a court having juridiction over naturalization of aliens: *Provided*, That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States, she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside of the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907. Nothing herein shall be construed to repeal or amend the provisions of Revised Statutes 1999 or of section 2 of the expatriation act of 1907 with reference to expatriation.

SEC. 4. That a woman who, before the passage of this act, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided by section 2 of this act: *Provided*, That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the same citizenship status as if her marriage had taken place after the passage of this act.

SEC. 5. That no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status.

SEC. 6. That section 1994 of the Revised Statutes and section 4 of the expatriation act of 1907 are repealed. Such repeal shall not

terminate citizenship acquired or retained under either of such sections nor restore citizenship lost under section 4 of the expatriation act of 1907.

SEC. 7. That section 3 of the expatriation act of 1907 is repealed. Such repeal shall not restore citizenship lost under such section nor terminate citizenship resumed under such section. A woman who has resumed under such section citizenship lost by marriage shall, upon the passage of this act, have for all purposes the same citizenship status as immediately preceding her marriage.

Approved September 22, 1922. (42 Stat., 1021.)

(No. 20.)

PROOF BY DESERTED WIFE OF ENTRYMAN.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which persons have regularly initiated claims to public lands as settlers thereon under the provisions of the homestead laws and the wife of such homestead settler or entryman, while residing upon the homestead claim and prior to submission of final proof of residence, cultivation, and improvement as prescribed by law, has been abandoned and deserted by her husband for a period of more than one year, the deserted wife shall, upon establishing the fact of such abandonment or desertion to the satisfaction of the Secretary of the Interior, be entitled to submit proof upon such claim and obtain patent therefor in her name in the form, manner, and subject to the conditions prescribed in section twenty-two hundred and ninety-one of the Revised Statutes of the United States and acts supplemental thereto and amendatory thereof: *Provided*, That in such cases the wife shall be required to show residence upon, cultivation, and improvement of the homestead by herself for such time as when, added to the time during which her husband prior to desertion had complied with the law, would aggregate the full amount of residence, improvement, and cultivation required by law: *And provided further*, That the published and posted notices of intention to submit final proof in such cases shall recite the fact that the proof is to be offered and patent sought by applicant as a deserted wife, and prior to its submission notice thereof shall be served upon the husband of the applicant in such a manner and under such rules and regulations as the Secretary of the Interior shall prescribe.

Approved October 22, 1914. (38 Stat., 766.)

(No. 21.)

MILITARY SERVICE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in every case in which a settler on the public land of the United States under the homestead laws enlists or is actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine during the existing war with Spain, or during any other war in which the United States may be engaged, his services therein shall, in the administration of the homestead laws, be con-

strued to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and hereafter no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, unless it shall be alleged in the preliminary affidavit or affidavits of contest, and proved at the hearing in cases hereafter initiated, that the settler's alleged absence from the land was not due to his employment in such service: *Provided*, That if such settler shall be discharged on account of wounds received or disability incurred in the line of duty, then the term of his enlistment shall be deducted from the required length of residence without reference to the time of actual service: *Provided further*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

Approved June 16, 1898. (30 Stat., 473.)

Be it resolved by the Senate and House of Representatives of tne United States of America in Congress assembled, That the provisions of the act approved June sixteenth, eighteen hundred and ninety-eight, chapter four hundred and fifty-eight (Thirtieth Statutes, page four hundred and seventy-three), shall be applicable in all cases of military service rendered in connection with operations in Mexico, or along the borders thereof, or in mobilization camps elsewhere, whether such service be in the military or naval organization of the United States or the National Guard of the several States now or hereafter in the service of the United States.

Approved August 29, 1916. (39 Stat., 670.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any settler upon the public lands of the United States, or any entryman whose application has been allowed, or any person who has made application for pulic lands which thereafter may be allowed under the homestead laws, who, after such settlement, entry, or application, enlists or is actually engaged in the military or naval service of the United States as a private soldier, officer, seaman, marine, national guardsman, or member of any other organization for offense or defense authorized by Congress during any war in which the United States may be engaged, shall, in the administration of the homestead laws, have his services therein construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and hereafter no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, entryman, or person unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases hereinafter initiated that the alleged absence from the land was not due to his employment in such military or naval service; that if he shall be discharged on account of wounds received or disability incurred in the line of duty, then the term of his enlistment shall be deducted from the required length of residence, without reference to the time of actual service: *Provided*, That no patent shall issue to any homestead settler

who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

SEC. 2. That any settler upon the public lands of the United States, or any entryman whose application has been allowed, or any person who has made application for public lands which thereafter may be allowed under the homestead laws, who dies while actually engaged in the military or naval service of the United States, as a private soldier, officer, seaman, marine, National Gardsman, or member of any other organization for offense or defense authorized by Congress during any war in which the United States may be engaged, then his widow, if unmarried, or in case of her death or marriage, his minor orphan children, or his or their legal representatives, may proceed forthwith to make final proof upon such entry or application thereafter allowed, and shall be entitled to receive Government patent for such land; and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead.

Approved July 28, 1917. (40 Stat., 248.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the conditions therein expressed, as to length of service and honorable discharge, the provisions of sections twenty-three hundred and four and twenty-three hundred and five, Revised Statutes of the United States, shall be applicable in all cases of military and naval service rendered in connection with the Mexican border operations or during the war with Germany and its allies as defined by public resolution numbered thirty-two, approved August twenty-ninth, nineteen hundred and sixteen (Thirty-ninth Statutes at Large, page six hundred and seventy-one), and the act approved July twenty-eighth, nineteen hundred and seventeen (Fortieth Statutes at Large, page two hundred and forty-eight).

Approved February 25, 1919. (40 Stat., 1153.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person who, after discharge from the military or naval service of the United States during the war against Germany and its allies, is furnished any course of vocational rehabilitation under the terms of the vocational rehabilitation act approved June 27, 1918, upon the ground that he comes within article 3 of the act of October 6, 1917 (40 Stat., 398), and who before entering upon such course shall have made entry upon or application for public lands of the United States under the homestead laws, or who has settled or shall hereafter settle upon public lands, shall be entitled to a leave of absence from his land for the purpose of undergoing training by the Federal Board for Vocational Education, and such absence, while actually engaged in such training shall be counted as constructive residence: *Provided*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

Approved September 29, 1919. (41 Stat., 288.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any settler or entryman under the homestead laws of the United States, who, after settlement, application, or entry and prior to November eleventh, nineteen hundred and eighteen, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to service is unable to return to the land, may make proof, without further residence, improvement, or cultivation, at such time and place as may be authorized by the Secretary of the Interior, and receive patent to the land by him so entered or settled upon: *Provided*, That no such patent shall issue prior to the survey of the land.

Approved March 1, 1921. (41 Stat., 1202.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 2305, Revised Statutes of the United States, as amended by the act of February 25, 1919 (Fortieth Statutes, page 1161), so far as applicable to those discharged from the military or naval service because of wounds received or disability incurred therein, be, and the same are hereby, extended to those regularly discharged from such service and subsequently awarded compensation by the Government for wounds received or disability incurred in the line of duty.

SEC. 2. That the provisions of the act of September 29, 1919 (Forty-first Statutes, page 288), entitled "An Act to authorize absence by homestead settlers and entrymen, and for other purposes," be, and they are hereby, extended to those who, after discharge from the military or naval service of the United States, are furnished treatment by the Government for wounds received or disability incurred in line of duty.

Approved April 6, 1922 (42 Stat. 491).

Be it enaacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the case of the death of any person who would be entitled to a homestead under the provisions of the act of Congress approved February 25, 1919 (Fortieth Statutes at Large, page 1161), entitled "An act to extend the provisions of the homestead laws touching credit for period of enlistment to the soldiers, nurses, and officers of the Army and the seamen, marines, nurses, and officers of the Navy and the Marine Corps of the United States, who have served or will have served with the Mexican border operations or during the war between the United States and Germany and her allies," his widow, if unmarried and otherwise qualified, may make entry of public lands under the provisions of the homestead laws of the United States and shall be entitled to all the benefits enumerated in said act subject to the provisions and requirements as to settlement, residence, and improvement therein contained: *Provided*, That in the event of the death of such homestead entrywoman prior to perfection of title, leaving only a minor child or children, patent shall issue to said minor child or children upon proof of death, and of the minority of the child or children, without further showing or compliance with law.

Approved September 21, 1922 (42 Stat. 990).

Public Resolution No. 79, Sixty-seventh Congress, approved December 28, 1922 (42 Stat., 1067), provides:

"That the provisions of the act of Congress of February 25, 1919, allowing credit for military service during the war with Germany in homestead entries, and of Public Resolution Numbered 29, approved February 14, 1920, allowing a preferred right of entry for at least 60 days after the date of opening in connection with lands opened or restored to entry, be, and the same are hereby, extended to apply to those citizens of the United States who served with the allied armies during the World War, and who were honorably discharged upon their resumption of citizenship in the United States, provided the service with the allied armies shall be similar to the service with the Army of the United States for which recognition is granted in the act and resolution herein referred to."

(No. 22.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That a qualified employee of the Department of the Interior who has been designated to act as register of any United States land office pursuant to the provisions of the act of October 28, 1921, "An Act for the consolidation of the offices of register and receiver in certain cases and for other purposes" (Forty-second Statutes at Large, page 208), may at all times administer any oath required by law or the instructions of the General Land Office in connection with the entry or purchase of any tract of public land, but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

Approved May 17, 1926. (Public No. 231.)

(No. 23.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases in which, under the laws of the United States, oaths are authorized or required to be administered, they may be administered by notaries public duly appointed in any State, District, or Territory of the United States, by clerks and prothonotaries of courts of record of any such State, District, or Territory, by the deputies of such clerks and prothonotaries, and by all magistrates authorized by the laws of or pertaining to any such State, District, or Territory to administer oaths.

Approved July 3, 1926. (Public No. 473.)

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CIRCULAR NO. 541
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

SUGGESTIONS

TO

HOMESTEADERS AND PERSONS DESIRING TO MAKE HOMESTEAD ENTRIES

REVISED FEBRUARY 18, 1924

COPY
from
THE NATIONAL ARCHIVES
Record Group No. 257

WASHINGTON
GOVERNMENT PRINTING OFFICE
1924

LIST OF UNITED STATES LAND OFFICES.

The General Land Office does not issue maps showing the location of vacant public land subject to entry. This information can be reliably obtained only from the records of the various United States district land offices, which are located as follows:

ALABAMA:
Montgomery.
ALASKA:
Anchorage.
Fairbanks.
Nome.
ARIZONA:
Phoenix.
ARKANSAS:
Harrison.
Little Rock.
CALIFORNIA:
El Centro.
Eureka.
Independence.
Los Angeles.
Sacramento.
San Francisco.
Susanville.
Visalia.
COLORADO:
Del Norte.
Denver.
Durango.
Glenwood Springs.
Lamar.
Leadville.
Montrose.
COLORADO—Contd.
Pueblo.
Sterling.
FLORIDA:
Gainesville.
IDAHO:
Blackfoot.
Boise.
Coeur d'Alene.
Hailey.
Lewiston.
KANSAS:
Topeka.
LOUISIANA:
Baton Rouge.
MICHIGAN:
Marquette.
MINNESOTA:
Cass Lake.
Crookston.
Duluth.
MISSISSIPPI:
Jackson.
MONTANA:
Billings.
Bozeman.
Glasgow.
Great Falls.
MONTANA—Contd.
Havre.
Helena.
Kalispell.
Lewistown.
Miles City.
Missoula.
NEBRASKA:
Alliance.
Lincoln.
NEVADA:
Carson City.
Elko.
NEW MEXICO:
Clayton.
Fort Sumner.
Las Cruces.
Roswell.
Santa Fe.
NORTH DAKOTA:
Bismarck.
Dickinson.
OKLAHOMA:
Guthrie.
OREGON:
Burns.
La Grande.
Lakeview.
OREGON—Contd.
Portland.
Roseburg.
The Dalles.
Vale.
SOUTH DAKOTA:
Bellefourche.
Pierre.
Rapid City.
UTAH:
Salt Lake City.
Vernal.
WASHINGTON:
Seattle.
Spokane.
Vancouver.
Walla Walla.
Waterville.
Yakima.
WISCONSIN:
Wausau.
WYOMING:
Buffalo.
Cheyenne.
Douglas.
Evanston.
Lander.
Newcastle.

No specific descriptions of the character of the land, climate, water, or timber can be given by the General Land Office.

Unoccupied public lands, subject to settlement and entry, are to be found in all the States west of the Mississippi River except Iowa and Texas. There is also vacant public land in the States of Michigan, Florida, Alabama, and Mississippi.

Persons who desire to make homestead entry should first decide where they wish to locate, then go or write to the local land office of the district in which the lands are situated, and obtained from the records diagrams of vacant lands.

A personal inspection of the lands should be made to ascertain if they are suitable, and when satisfied on this point, entry can be made at the local land office in the manner prescribed by law, under the direction of the local land officers, who will give the applicant full information. Should a person desire to obtain information in regard to vacant lands in any district before going there for personal inspection, he should address the register and receiver of the particular local land office, who will give such information as is available. The local land officers can not, however, be expected to furnish extended lists of vacant lands subject to entry except through township plats which they are authorized to sell as hereinafter explained.

SUGGESTIONS TO HOMESTEADERS AND PERSONS DESIRING TO MAKE HOMESTEAD ENTRIES.

(In this revision of the Suggestions to Homesteaders changes were made in the following paragraphs from the form in which they appeared in the revision of January 16, 1922, 48 O. D., 389: 16, 25, 27, 28, 30, 33, 42, 47, 48, 50, and 51; 52 is new.)

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 18, 1924.

1. Persons desiring to make homestead entries should first fully inform themselves as to the character and quality of the lands they desire to enter, and should in no case apply to enter until they have visited and fully examined each legal subdivision for which they make application, as satisfactory information as to the character and occupancy of public lands can not be obtained in any other way.

As each applicant is required to swear that he is well acquainted with the character of the land described in his application, and as all entries are made subject to the rights of prior settlers, the applicant can not make the affidavit that he is acquainted with the character of the land, or be sure that the land is not already appropriated by a settler, until after he has actually inspected it.

Information as to whether a particular tract of land is subject to entry may be obtained from the register or receiver of the land district in which the tract is located, either through verbal or written inquiry, but these officers must not be expected to give information as to the character and quality of unentered land or to furnish extended lists of lands subject to entry, except through plats and diagrams which they are authorized to make and sell as follows:

For a township diagram showing entered land only	$1.00
For a township plat showing form of entries, names of claimants, and character of entries	2.00
For a township plat showing form of entries, names of claimants, character of entry, and number	3.00
For a township plat showing form of entries, names of claimants, character of entry, number, and date of filing or entry, together with topography, etc	4.00

Purchasers of township diagrams are entitled to definite information as to whether each smallest legal subdivision, or lot, is vacant public land. Registers and receivers are therefore required in case of an application for a township diagram showing vacant lands to plainly check off with a cross every lot or smallest legal subdivision in the township which is not vacant, leaving the vacant tracts unchecked. There is no authority for registers and receivers to charge and receive a fee of 25 cents for plats and diagrams of a section or part of a section of a township.

If, because of the pressure of current business relating to the entry of lands, registers and receivers are unable to make the plats or diagrams mentioned above, they may refuse to furnish the same and return the fee to the applicant, advising him of their reason for not furnishing the plats requested; that he may make the plats or diagrams himself or have same made by his agent or attorney; and that he may have access to the plats and tract books of the local land office for this purpose, provided such use of the records will not interfere with the orderly dispatch of the public business.

A list showing the general character of all the public lands remaining unentered in the various counties of the public-land States on the 30th day of the preceding June may be obtained at any time by addressing "The Commissioner of the General Land Office, Washington, D. C."

All blank forms of affidavits and other papers needed in making application to enter or in making final proofs can be obtained by applicants and entrymen from the land office for the district in which the land lies.

2. *Kind of land subject to homestead entry.*—All unappropriated surveyed public lands adaptable to any agricultural use are subject to homestead entry if they are not mineral or saline in character and are not occupied for the purposes of trade or business and have not been embraced within the limits of any withdrawal, reservation, or incorporated town or city; but homestead entries on lands within certain areas (such as lands in Alaska, lands withdrawn under the reclamation act, certain ceded Indian lands, lands within abandoned military reservations, agricultural lands within national forests, lands in western and central Nebraska, and lands withdrawn, classified, or valuable for coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals) are made subject to the particular requirements of the laws under which such lands are opened to entry. None of these particular requirements are set out in these suggestions, but information as to them may be obtained by either verbal or written inquiries addressed to the register and receiver of the land office of the district in which such lands are situated.

HOW CLAIMS UNDER THE HOMESTEAD LAW ORIGINATE.

3. (*a*) Claims under homestead laws may be initiated either by settlement on surveyed or unsurveyed lands of the kind mentioned in the foregoing paragraph, or by the filing of a soldier's or sailor's declaratory statement, or by the presentation of an application to enter any surveyed lands of that kind.

(*b*) Under the law relating to ordinary lands a homestead entry is limited to 160 acres, but this area may sometimes be slightly exceeded where the tract is made up of irregular subdivisions. However, an entry of land which has been designated under one of the enlarged-homestead acts may contain 320 acres (see par. 43), and an entry of land designated under the stock-raising act may contain 640 acres. In western Nebraska 640 acres may be entered under the Kinkaid Act (explained in a special circular) without any designation of the land.

(*c*) Settlement is initiated through the personal act of the settler placing improvements upon the land or establishing residence thereon; he thus gains the right to make entry for the land as against other persons. A settlement on any part of a surveyed quarter section subject to homestead entry gives the right to enter all of that quarter section, but if a settler desires to initiate a claim to surveyed tracts which form a part of more than one technical quarter he should define his claim by placing some improvements on each of the smallest subdivisions claimed. When settlement is made on unsurveyed lands the settler must plainly mark the boundaries of all lands claimed. Within a reasonable time after settlement actual residence must be established on the land and continuously maintained. Entry should be made within three months after settlement upon surveyed lands or within that time after the filing in the local land office of the plat of survey of lands unsurveyed when settlement was made. Otherwise, the preference right of entry may be lost. Under the act of August 9, 1912 (37 Stat., 267), settlement right on not exceeding 320 acres of lands designated by the Secretary of the Interior as subject to entry under the enlarged homestead law may be obtained by plainly marking the exterior boundaries of all lands claimed, whether surveyed or unsurveyed, followed by the establishment of residence, except as to lands designated under section 6 of said acts, where residence is not required, but where the settlement right is required to be initiated by plainly marking the exterior boundaries of the land claimed and the placing and maintenance of valuable improvements thereon. A settlement right on not exceeding 640 acres of unsurveyed land designated as subject to the stock-raising act may be obtained by establishment and maintenance of residence thereon, provided the boundaries of the tract claimed are plainly marked on the ground.

(*b*) Where a settlement claim has been duly initiated upon a tract of unsurveyed, unreserved, unappropriated public land by a person qualified to make homestead entry therefor, the settler is entitled to one or two leaves of absence during each residence year, aggregating not more than five months in each year after establishment of residence, in the same manner and upon the same conditions as persons having entries of record, as explained in paragraph 26. Detailed information regarding such leaves of absence is given in a special circular.

5. Soldiers' and sailors' declaratory statements may be filed in the land office for the district in which the lands desired are located by any persons who have been honorably discharged after 90 days' service in the Army or Navy of the United States during the War of the Rebellion or during the Spanish-American War or the Philippine insurrection. Declaratory statements of this character may be filed either by the soldier or sailor in person or through his agent acting under a proper power of attorney, but the soldier or sailor must make entry of the land in person, and not through his agent, within six months from the filing of his declaratory statement, or he may make entry in person without first filing a declaratory statement if he so chooses. Such declaratory statements may also be filed in person by those who have been honorably discharged after 90 days' service in the Army, Navy, or Marine Corps during the operations on the Mexican border or in the war with Germany, but they can not file such statements by agent. If a declaratory statement

is filed by a soldier or sailor in person, it must be executed by him before one of the officers mentioned in paragraph 16, in the county or land district in which the land is situated; if filed through an agent, the affidavit of the agent must be executed before one of the officers above mentioned, but the soldier's affidavit may be executed before any officer using a seal and authorized to administer oaths and not necessarily within the county or land district in which the land is situated. If the soldier dies without having filed application for entry following his declaratory statement, such entry may be made by his widow, or in case of her death or remarriage by his minor orphan children, but *not* by his heirs or devisees.

BY WHOM HOMESTEAD ENTRIES MAY BE MADE.

6. Homestead entries may be made by any person who does not come within either of the following classes:

(*a*) Married women, except as hereinafter stated.

(*b*) Persons who have already made homestead entry, except as hereinafter stated.

(*c*) Foreign-born persons who have not declared their intention to become citizens of the United States.

(*d*) Persons who are the owners of more than 160 acres of land in the United States.

(*e*) Persons under the age of 21 years who are not the heads of families, except minors who make entry as heirs, as hereinafter mentioned; or minors who served in the Army or Navy during the World War, who may make entry under section 8 of the act of August 31, 1918 (40 Stat., 954).

(*f*) Persons who have acquired title to or are claiming, under any of the agricultural public-land laws, through settlement or entry made since August 30, 1890, any other lands which, with the lands last applied for, would amount in the aggregate to more than 320 acres. Exception is made, however, as to an entry under one of the enlarged homestead acts, which may be allowed provided applicant's claims under the timber and stone, desert land, and preemption laws do not make up approximately 320 acres, and do not with the homestead claim aggregate more than 480 acres; also, as to an entry under the stock-raising law, which may be allowed, provided its area does not make up with such other claims more than 800 acres, and that said claims do not contain as much as 320 acres. The rules as to limitation on the area of additional entries under the last-mentioned act are set forth in the special circular issued thereunder.

EFFECT OF MARRIAGE ON WOMEN'S RIGHTS.

7. A married woman who has all of the other qualifications of a homesteader may make a homestead entry under any one of the following conditions:

(*a*) Where she has been actually deserted by her husband.

(*b*) Where her husband is incapacitated by disease or otherwise from earning a support for his family and the wife is really the head and main support of the family.

(*c*) Where the husband is confined in a penitentiary and she is actually the head of the family.

(*d*) Where the married woman is the heir of a settler or contestant who dies before making entry.

(*e*) Where a married woman made improvements and resided on the lands applied for before her marriage, she may enter them after marriage if her husband is not holding other lands under an unperfected homestead entry at the time of the marriage; and this last condition does not apply if each party has had compliance with the law for one year next before the marriage and neither one abandons the land prior to filing application for entry.

8. The marriage of an entrywoman will not defeat her right to acquire title to the land if she continues to reside thereon and otherwise comply with the law; but ordinarily the failure of her husband to live upon the homestead with her is treated as an evidence of bad faith, requiring testimony for its rebuttal. Husband and wife can not maintain separate residences on their respective homestead entries, and if at the time of marriage each is holding an unperfected entry on which residence must be had in order to acquire title, they can not hold both entries unless they are entitled to the benefits of the act of April 6, 1914, as amended by the act of March 1, 1921 (41 Stat., 1193), explained in the next paragraph.

9. Where a homestead entryman or settler and a homestead entrywoman or settler intermarry after each has fulfilled the requirements of the law for one year, the husband may (under the provisions of the act mentioned, Appendix No. 18) elect on which of the entries the home shall be made, after which their residence there shall constitute compliance with the residence requirements as to both homesteads. Instructions regarding the method of procedure under the act are found in a special circular.

10. Where the wife of a homestead settler or entryman, while residing upon the homestead claim and prior to the submission of final proof, has been abandoned and deserted by her husband for more than one year, she may, under the provisions of the act of October 22, 1914 (Appendix No. 20), submit proof (by way of commutation or otherwise) on the entry and secure patent in her own name, being allowed credit for all residence and cultivation had and improvements made, either by herself or by her husband. As to the method of procedure under that act, a special circular is issued.

11. A widow, if otherwise qualified, may make a homestead entry notwithstanding the fact that her husband made an entry and notwithstanding she may be at the time claiming the unperfected entry of her deceased husband.

ENTRIES BY SOLDIERS AND SAILORS.

12. A person serving in the Army or Navy of the United States may make a homestead entry if some member of his family is residing on the lands applied for, and the application and accompanying affidavits may be executed before the officer commanding the branch of the service in which he is engaged.

ADDITIONAL ENTRIES.

13. (*a*) Regardless of the question whether the land involved has been designated as subject to the enlarged homestead act or the stock-raising homestead law, any person otherwise qualified who

has made final proof on an entry for less than 160 acres under the homestead laws may make an additional entry for such an amount of public lands as will, when added to the amount for which he has already made proof, not exceed in the aggregate 160 acres; the applicant therefor must give such data as will serve to identify his first filing. Residence, cultivation, and improvements must be performed as in the case of an original entry.

(*b*) Regardless, also, of designation of the land involved, an additional homestead entry may be made by a person for such an amount of public lands adjoining lands then owned and occupied by him under his original entry as will, when added to such adjoining lands, not exceed in the aggregate 160 acres. An entry of this kind may be made by any person who has not acquired title to and is not, at the date of his application, claiming under any of the agricultural public-land laws, through settlement or entry made since August 30, 1890, any other lands which, with the land then applied for, would exceed in the aggregate 320 acres, but the applicant will not be required to show any of the other qualifications of a homestead entryman. In connection with such an entry, all residence and cultivation may be had (before or after its date) on the original tract, provided the entryman continues to own it during the period in question.

(*c*) Where a person is entitled to make additional entry, as explained in paragraph 13 (*a*), he may enter land which has been designated under the enlarged-homestead act of an area double that to which he would be otherwise entitled. (Appendix No. 13.)

(*d*) A person who has perfected a homestead entry for land of the character contemplated by the enlarged-homestead acts, or who has a pending entry for such land, may make an additional entry for land of like character, as explained in paragraphs 47 and 48.

(*e*) A person who has perfected a homestead entry for land of the character contemplated by the stock-raising act, or who has a pending entry for such land, may make an additional entry for land of like character to make up in the aggregate not more than 640 acres, as explained in a special circular issued under said act. See paragraph 51.

SECOND ENTRIES.

14. (*a*) Where a person commuted a homestead entry before June 5, 1900, or paid the Indian price of the land entered before May 17, 1900, his homestead right is restored. See acts of June 5, 1900, and May 22, 1902 (Appendix No. 4), and the act of May 17, 1900 (Appendix No. 3).

(*b*) Where a person has made a homestead entry or entries but failed to perfect them, his right to make another homestead entry is governed by the act of Congress of September 5, 1914, which provides that the applicant must show to the satisfaction of the Secretary of the Interior that the prior entry or entries were made in good faith, were lost, forfeited, or abandoned because of matters beyond his control, and that he has not speculated in his right, nor committed a fraud or attempted fraud in connection with prior entry or entries. A special circular is issued regarding procedure under said act.

(*c*) Where a person before February 20, 1917, made entry for land embraced in a ceded Indian reservation, and has at any time submitted proof thereon and has paid the full price of the land, being $1 or more per acre for the tract, he is entitled to make a second homestead entry. (Appendix No. 5.)

(*d*) Where a person's homestead right is restored under the conditions mentioned in this paragraph, he may make an entry under the general law, under the enlarged-homestead act, or under the stock-raising law, at his option.

ADJOINING FARM HOMESTEAD.

15. An adjoining farm entry may be made for such an amount of public lands lying contiguous to lands owned and resided upon by the applicant as will not, with the lands so owned and resided upon, exceed in the aggregate 160 acres; but no person will be entitled to make entry of this kind who is not qualified to make an original homestead entry. A person who has made one homestead entry although for a less amount than 160 acres, and perfected title thereto, is not qualified to make an adjoining farm entry. In connection with an entry of this character, there must be shown the required amount of residence and cultivation after the date thereof, but both residence and cultivation may be had on the original tract.

HOW HOMESTEAD ENTRIES ARE MADE.

16. A homestead entry may be made by the presentation to the land office of the district in which the desired lands are situated of an application properly prepared on blank forms prescribed for the purpose and sworn to before either the register or the receiver or before a United States commissioner, or the judge or clerk of a court of record in the county, parish, or land district in which the land lies, or before any officer of the classes named who resides nearest or most accessible to the land although he may reside outside the county and land district in which the land is situated. If the application is executed before a qualified officer within the boundaries of either the county or land district in which the land is located, no additional showing as to nearness or accessibility of such officer need be made, but if executed outside of both the county and land district the applicant must show by affidavit satisfactory to the Commissioner of the General Land Office that the officer before whom the application was executed was because of topographic or geographic conditions nearer or more accessible to the land. An application is not acceptable if executed more than 10 days before its deposit in the mails for filing in the local land office.

17. Each application to enter and the affidavits accompanying must recite all the facts necessary to show that the applicant is acquainted with the land; that the land is not, to the applicant's knowledge, either saline or mineral in character; that the applicant possesses all of the qualifications of a homestead entryman; that the application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation; that the applicant will faithfully and honestly endeavor to comply with the requirements of the

law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that the applicant is not acting as the agent of any person, persons, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered or any part thereof; that the application is not made for the purpose of speculation, but in good faith to obtain a home for the applicant, and that the applicant has not directly or indirectly made, and will not make, any agreement or contract in any way or manner with any person or persons, corporation, or syndicate whatsoever by which the title he may acquire from the Government to the lands applied for shall inure, in whole or in part, to the benefit of any person except himself. Additional statements as to the character of the land must be made in applications under the enlarged homestead acts and under the stock raising law; but in the latter case, as the mineral in the land is reserved to the Government, no allegation as to same is made, but claimant must state that no part of the land is claimed, occupied, or being worked under the mining laws.

18. All applications by persons claiming as settlers must, in addition to the facts required in paragraph 17, state the date and describe the acts of settlement under which they claim a preferred right of entry, and applications by the widows, devisees, or heirs of settlers must state facts showing the death of the settler and their right to make entry, that the settler was qualified to make entry at the time of his death, and that the heirs or devisees applying to enter are citizens of the United States or have declared their intentions to become such citizens, but they are not required to state facts showing any other qualifications of a homestead entryman, and the fact that they have made a former entry will not prevent them from making an entry as such heirs or devisees, nor will the fact that a person has made entry as the heir or devisee of the settler prevent him from making an entry in his own individual right if he is otherwise qualified to do so.

19. All applications by soldiers, sailors, or their widows, or the guardians of their minor children should be accompanied by proper evidence of the soldier's or sailor's service and discharge and of the fact that the soldier or sailor had not, prior to his death, made an entry in his own right. The application of the widow of the soldier or sailor must also show that she is unmarried and that the right has not been exercised by any other person. Applications for the children of soldiers or sailors must show that the father died without having made entry, that the mother died or remarried without making entry, and that the person applying to make entry for them is their legally appointed guardian.

20. Applications for entry must be accompanied by the proper fee and commissions. (See par. 41.) A receipt for the money is at once issued, but this is merely evidence that the money has been paid and as to the purpose thereof. If the application is allowed and the entry placed of record, formal notice of this fact is issued on the prescribed form; if the application is rejected or suspended, notice of such action is forwarded to the applicant as soon as practicable.

RIGHTS OF WIDOWS' HEIRS, OR DEVISEES UNDER THE HOMESTEAD LAWS.

21. If a homestead settler dies without having filed application for entry, the right to enter the land covered by his settlement passes to his widow. If there be no widow, said right passes to his heirs or devisee. See paragraph 4 for the general rules regarding settlement claims.

22. If a homestead entryman dies without having submitted final proof, his rights under the entry pass to his widow, or, if there be none, then to his heirs or devisees. However, if all the heirs be minor children of the entryman or entrywoman, and their other parent be dead, the entry is not subject to devise. In such a case the right to a patent vests in the children at once upon proof only of the death of both parents and that they are the only children of the homesteader, provided, as to a male homesteader, that there be no widow. The law provides, in the alternative, that the executor, administrator, or guardian may, within two years after the death of the surviving parent, sell the land for the benefit of the children, in accordance with the law of the State where they are domiciled. In such cases it is required that there be furnished record evidence of an order for the sale made by a court of competent jurisdiction. In any event, publication and posting of notice of intention to submit proof or to ask issuance of patent to the purchaser is required.

23. If a contestant dies after having secured the cancellation of an entry, his right as a successful contestant to make entry passes to his heirs; and if the contestant dies before he has secured the cancellation of the entry he has contested, his heirs may continue the prosecution of his contest and make entry if they are successful in the contest. In either case, to entitle the heirs to make entry they must show that the contestant was a qualified entryman at the date of his death; and in order to earn a patent the heirs must comply with all the requirements of the law under which the entry was made, to the same extent as would have been required of the contestant had he made entry.

24. The unmarried widow, or, in case of her death or remarriage, the minor children of soldiers and sailors who were honorably discharged after 90 days' actual service during the War of the Rebellion, the Spanish-American War, or the Philippine insurrection may file a declaratory statement in the manner explained in paragraph 5 and make entry as such widow or minor children, if the soldier or sailor died without making entry or failed to perfect an entry and was, at the time of his death, qualified to make another. The minor children must make a joint entry through their duly appointed guardian. If the widow files a declaratory statement and dies without having applied for entry, entry may be made on behalf of the minor children, but *not* by her devisees or other heirs.

RESIDENCE AND CULTIVATION REQUIRED UNDER THE HOMESTEAD LAWS.

25. With the exception of adjoining farm homestead entries and additional entries allowed under certain conditions pursuant to the general law, the enlarged-homestead acts and the stock-raising law,

a homestead entryman must establish residence upon the tract entered within six months after date of the entry, unless an extension of time is allowed, as explained in paragraph 35, and must maintain residence there for a period of three years. However, he may have credit for residence as well as cultivation before the date of entry if the land was, during the period in question, subject to appropriation by him or included in an entry against which he had initiated a contest resulting afterwards in its cancellation. Moreover, he may absent himself for a portion or portions of each year after making entry and establishing residence, as more fully explained in paragraph 26.

When proof is submitted it must be shown that the homesteader is a citizen of the United States, provided, however, that a homestead entrywoman who is a citizen when she makes her filing and thereafter marries an alien need not show that her husband is an American citizen, but must show that he is entitled to become one.

The act of September 22, 1922 (42 Stat., 1021), provides for the naturalization and citizenship of women married since that date, and in all cases of applications for entry or proofs in support of entries by married women otherwise duly qualified to make such entry or proof, a showing must be made of such facts concerning the marital status and citizenship as may be rendered necessary by the provisions of that act, the text of which is printed in Appendix 19.

26. During each year, beginning with the date of establishment of actual residence, the entryman may absent himself from the land for not more than two periods, aggregating as much as five months. In order to be entitled to such absences the entryman need not file applications therefor, but must each time he leaves the land file at the local land office (by mail or otherwise) notice of the time of leaving; and upon his return to the land he must notify said office of the date thereof. If he has returned after an absence of less than five months and filed notice of his return, he may, without any intervening residence, again absent himself—pursuant to new notice—for the remaining part of five months within the residence year. However, two absences in different residence years, reckoned from the date when residence was established, must be separated by substantial periods if they together make up more than five months.

27. (*a*) Cultivation of the land for a period of at least two years is required, and this must generally consist of actual breaking of the soil, followed by planting, sowing of seed, and tillage for a crop other than native grasses. However, tilling of the land, or other appropriate treatment, for the purpose of conserving the moisture with a view of making a profitable crop the succeeding year, will be deemed cultivation within the terms of the act (without sowing of seed) where that manner of cultivation is necessary or generally followed in the locality.

During the second year not less than one-sixteenth of the area entered must be actually cultivated, and during the third year, *and until final proof*, cultivation of not less than one-eighth must be had. These requirements are the same as to homesteads under the general law and under the enlarged homestead acts, and the years in question begin to run, not from the establishment of residence, but from the date of the entry. A larger amount of cultivation is required on

entries under section 6 of the enlarged homestead acts (see paragraphs 49 and 50), and the above-mentioned rules are not applicable to entries under the reclamation act. No cultivation whatsoever is required under the so-called Kinkaid Act, which affects only Nebraska, while the stock-raising homestead law requires no specific area of cultivation, only that the land has been actually used for raising stock and forage crops, and that it has been improved under certain conditions.

(*b*) The Secretary of the Interior is authorized to reduce the requirements as to cultivation. This may be done if the land entered is so hilly or rough, the soil so alkaline, compact, sandy, or swampy, or the precipitation of moisture so light as not to make cultivation of the required amounts practicable, or if the land is generally valuable only for grazing. An application for reduction upon the grounds indicated must be filed at the proper local land office on the form prescribed therefor, and should set forth in detail the special physical conditions of the land on which claimant bases his right to a reduction.

A reduction may be allowed also if the entryman, after making entry and establishing residence, has met with misfortune which renders him reasonably unable to cultivate the prescribed area. In this class of cases an application for reduction is not to be filed, but notice of the misfortune and of its nature must be submitted to the register of the local land office, under oath, within 60 days after its occurrence; upon satisfactory proof regarding the misfortune at the time of submitting final proof a reduction in area of cultivation during the period of disability following the misfortune may be permitted.

No reduction in area of cultivation will be permitted on account of expense in removing the standing timber from the land. If lands are so heavily timbered that the entryman can not reasonably clear and cultivate the area prescribed by the statute, such entries will be considered speculative and not made in good faith for the purpose of obtaining a home. The foregoing applies to lands containing valuable or merchantable timber and will not preclude the reduction of area of cultivation on proper showing in cases where the presence of stumps, brush, lodge pole pine, or other valueless or nonmerchantable timber prevents the clearing and cultivation of the prescribed area. Nor will a reduction in the area of cultivation based on the physical conditions of the land be permitted if, at the date of the application to enter, the land was designated and subject to entry under the stock-raising act. In such cases, the homesteader should file application for change of the character of the entry to one under the stock-raising act, showing therein the nonadaptability of the land for cultivation; that the land does not contain any water holes or other body of water needed or used by the public for watering purposes, and his consent to the entry being made subject to the reservation to the United States of all coal and other minerals in the land, together with the right to prospect for, mine, and remove the same. The application of the entryman should be in affidavit form and the showing therein as to the character of the land should be corroborated by the affidavits of two witnesses.

(c) The homestead entryman must have a habitable house upon the land entered at the time of submitting proof. Other improvements should be of such character and amount as are sufficient to show good faith.

CREDIT ON ACCOUNT OF MILITARY SERVICE.

28. (a) A soldier or sailor of one of the classes mentioned in paragraph 5 who makes entry must begin his residence on the land entered by him within six months from the date of filing his declaratory statement, but if he makes entry without filing a declaratory statement he must begin his residence within six months after the date of the entry. Thereafter he must continue both residence and cultivation for such period as will, when added to the time of his military or naval service (under enlistment or enlistments covering war periods), amount to three years; but if he was discharged on account of wounds or disabilities incurred in the line of duty, credit for the whole term of his enlistment may be allowed; however, no patent will issue to such soldier or sailor until there has been residence by him for at least one year, nor until a habitable house has been placed upon the land.

(b) In each year of residence required of the soldier he is entitled to the same absence privilege as is enjoyed by other homesteaders.

(c) A soldier with 19 months' or more military service will be required to reside on the land at least 7 months during the first entry year; with more than 12 and less than 19 months, he must reside on the land 7 months during the first year and such part of the second year as, added to his excess over 12 months' service, will equal 7 months, and must cultivate one-sixteenth of the area the second year; with 7 and not more than 12 months, he must reside upon the land 7 months during each of the first and second years, and cultivate one-sixteenth of the area the second year; with 90 days and less than 7 months, he must reside upon the land 7 months during each year for the first and second years, and such part of the third year as, added to his service, will equal 7 months, and cultivate one-sixteenth of the area the second year and one-eighth the third year; and with less than 90 days' service, will receive no credit therefor in lieu of residence and cultivation. If he delays the submission of proof beyond the period of residence required, the cultivation necessary for the years elapsing before the submission of proof must be shown. He may apply for and receive a reduction in the area to be cultivated in the same manner and under the conditions required of other applicants. Where the entry is made under the stock-raising homestead act, the above rule with respect to residence will be applicable, but the soldier must make the improvements on the land required of other persons under that law, and show in lieu of cultivation that he actually used the land for raising stock and forage crops during the period that he was required to reside on the land. He must show, in any entry under the homestead laws, that he had a habitable house on the land at the date of submitting proof. These rights are conferred by section 2305 of the United States Revised Statutes as amended by act of June 6, 1912 (37 Stat., 123), act of February 25, 1919 (40 Stat., 1153), act of April 6, 1922 (42 Stat., 491), and by Public Resolution No. 79, approved December 28, 1922 (42 Stat., 1067).

(d) The act of June 16, 1898 (30 Stat., 473), copied in Appendix No. 21, provides that where a person has settled on the public lands under the homestead laws, his service in the Army, Navy, or Marine Corps during any war in which the United States may be engaged shall be construed as equivalent to residence and cultivation for the same length of time upon the tract entered or settled upon; also that no contest initiated against a homestead entry on the ground of abandonment shall be sustained, unless it be alleged and proved that the settler's alleged absence from the land was not due to his employment in such service.

(e) By the joint resolution of August 29, 1916 (39 Stat., 670), the provisions of said act are made "applicable in all cases of military service rendered in connection with operations in Mexico or along the borders thereof, or in mobilization camps elsewhere, whether such service be in the military or naval organization of the United States or the National Guard of the several States now or hereafter in the service of the United States."

(f) Section 1 of the act of July 28, 1917 (40 Stat., 248), grants credit for constructive residence and cultivation to homesteaders absent because of military or naval service during the World War and protects them from a charge of abandonment during such period; and section 2 of said act provides that where a homestead settler, applicant, or entryman dies while actually engaged in the military or naval service of the United States during any war in which the United States may be engaged, his widow, if unmarried, or in case of her death or marriage, his minor orphan children, or his or their legal representatives may proceed forthwith to make final proof upon the entry or application thereafter allowed, the death of the soldier or sailor while so engaged in the service of the United States being equivalent to a performance of all requirements as to residence and cultivation upon such homestead.

(g) The act of March 1, 1921 (41 Stat., 1202), authorizes homestead settlers, applicants, or entrymen who enlisted prior to November 11, 1918, in the United States Army, Navy, or Marine Corps during the war with Germany and were honorably discharged or separated because of physical incapacities due to service and for that reason are unable to return to the land, to make proof without further residence, improvements, and cultivation, at such time and place as may be authorized by the Secretary of the Interior.

(h) The act of September 29, 1919, (41 Stat. 288), as amended by section 2 of the act of April 6, 1922 (42 Stat. 491), grants to ex-service men of the late war who made or may hereafter make entry under the homestead laws or who initiate valid homestead claim by settlement or application, and thereafter enter upon a course of training under the vocational rehabilitation act or are furnished hospital treatment by the Government for wounds received or disabilities incurred in line of duty, a leave of absence from the homestead for the purpose of taking such course, or to receive hospital treatment by the Government, and allows the time while so engaged to be credited as constructive residence upon and cultivation of the homestead, subject to the condition that before title by patent may be

granted the claimant shall have resided upon, improved, and cultivated the homestead for a period of at least one year. A person who is entitled to the benefits of this act should forward to the local district land office notice of his absence from the land and of the fact that he has been admitted to take a course of vocational training under the act of June 27, 1918 (40 Stat. 617), or that he is receiving hospital treatment by the Government, together with a certificate to that fact by the proper official. He should also file notice of his return to the land so that the local offices may make due notation on their records.

(*i*) No credit can be allowed for military service where commutation proof is offered.

29. A soldier or sailor making entry during his enlistment in time of peace is not required to reside personally on the land, but may receive patent if his family maintain the necessary residence and cultivation until the entry is 3 years old or until it has been commuted; but a soldier or sailor is not entitled to credit on account of his military service in time of peace. If such soldier has no family, there is no way by which he can make entry and acquire title during his enlistment in time of peace.

30. Widows and minor orphan children of soldiers and sailors who make entry based on the husband's or father's military or naval service must conform to the requirements specified for the soldier or sailor. The unmarried widow of a soldier or sailor of the Mexican border operations or of the war with Germany, or the unmarried widow or minor orphan children of a veteran of the Civil War, the Spanish-American War, or the Philippine insurrection, is entitled to the same privileges, under the homestead laws, as the deceased soldier or sailor if he died possessed of a homestead right. The adult child of a soldier has no special privileges in connection with the homestead laws on account of his father's military service.

COMPLETION OF ENTRY BY WIDOW OR HEIRS.

31. Persons who make entry as the widows, heirs, or devisees of settlers are not required to reside upon the land entered by them, but they must improve and cultivate it for such period as, added to the time during which the settler resided on and cultivated the land, will make the required period of three years, and the cultivation must be to the extent required by the law under which the proof is offered. Commutation proof may, however, be made upon showing 14 months' actual residence and cultivation had either by the settler or the heirs, devisee, or widow, or in part by the settler and in part by the widow, heirs, or devisee.

32. Persons succeeding as widow, heirs, or devisees to the rights of a homestead entryman are not required to reside upon the land covered by the entry, but they must cultivate it as required by law for such period as will, added to the entryman's period of compliance with the law, aggregate the required term of three years. They are allowed a reasonable time after the entryman's death within which to begin cultivation, proper regard being had to the season of the year at which said death occurred. If they desire to commute the entry they must show a 14 months' period of such residence and cultivation on the part of themselves or the entryman, or both, as would have been required of him had he survived. They must in all cases show that they are citizens of the United States regardless of the question whether the entryman was himself a citizen. Moreover, the entry may not be completed by the widow, heirs, or devisee of a homestead entryman unless he himself had complied with the law in all respects to the date of his death, and they must also show, at the time of final proof, that there is a habitable house on the land.

HOLDERS OF PUBLIC OFFICE.

33. Homestead entrymen are not entitled to any special privileges whatsoever in connection with their claims by reason of the fact that they are appointed or elected to public offices, the duties of which require their residence elsewhere than on the homesteads. This also applies to civil-service employees.

ENTRYMEN WHO BECOME INSANE.

34. Neither residence nor cultivation by an insane homestead entryman is necessary after he becomes insane, if such entryman made entry and established residence before he became insane and complied with the requirements of the law up to the time his insanity began. Proof on the entry may be submitted by his duly appointed guardian or committee. However, if the entryman regains his sanity before the expiration of three years after the date of the entry, he is required to reestablish residence on the land and comply with the law; and he must himself submit proof unless the unsoundness of mind recurs.

LEAVES OF ABSENCE.

35. (*a*) Where, for climatic reasons, or on account of sickness, or other unavoidable cause, residence can not be established on the land within six months after the date of the entry, additional time not exceeding six months, may be allowed. An application for such extension must include the affidavits of the entryman, and two witnesses acquainted with the facts, which may be executed before any officer authorized to administer oaths and having a seal of office though outside of the county or land district where the entry is situated. The application should set forth in detail the ground upon which it is based, including a statement as to the probable duration of the hindering causes and the date when the claimant may reasonably expect to establish his residence.

If the extension is granted, it protects the entry from contest on the ground of the homesteader's failure to establish residence within the first six months' period, unless it be shown that the order for extension was fraudulently obtained. But the failure of the entryman to apply for an extension of time does not forfeit his right to show, in defense of a contest, the existence of conditions which might have been made the basis for such an application.

(*b*) Leave of absence for one year or less may be granted by the register and receiver of the local land office to entrymen who have established actual residence on the lands in cases where total or pa

tial failure or destruction of crops, sickness, or other unavoidable casualty has prevented the entryman from supporting himself and those dependent on him by cultivation of the land. Application for such leave of absence must be sworn to by the applicant and corroborated by at least one witness in the land district or county within which the entered lands are located before an officer authorized to administer oaths and having a seal. It must describe the entry and show the date of establishing residence on the land and the extent and character of the improvements and cultivation performed by applicant. It must also set forth fully the facts on which the claimant bases his right to leave of absence, and where sickness is given as the reason a certificate signed by a reputable physician should be furnished if practicable. The period during which a homesteader is absent from his claim pursuant to a leave duly granted can not be counted in his favor.

(*c*) The act of February 25, 1919 (40 Stat., 1153), authorizes the register and receiver of the local land office to grant to such homesteaders as make proper showing in their applications that the climatic conditions make residence on the homestead for 7 months in each year a hardship a reduction in the terms of residence to 6 months in each year over a period of 4 years, or to 5 months in each year over a period of 5 years; but the total residence required need not exceed 25 months, not less than 5 of which shall be in each year and proof must be submitted within 5 years. Instructions under said act are printed in Circular No. 636.

COMMUTATION OF HOMESTEAD ENTRIES.

36. (*a*) All original, second, and additional homestead, and adjoining farm entries may be commuted, except such entries as are made under particular laws which forbid their commutation.

(*b*) The entryman, or his statutory successor, must, as a general thing, show substantially continuous residence upon the land was maintained until the submission of the proof or filing of notice of intention to submit same, the existence of a habitable house upon the claim and cultivation of not less than one-sixteenth of its acreage. However, the proof may be accepted where actual residence for the required period is shown, even though slightly broken, provided it be in reasonably compact periods; and the failure to continue the residence until filing of notice to submit proof will not prevent its acceptance if the Land Department be fully satisfied of entryman's good faith, and provided no contest or adverse proceeding shall have been initiated for default in residence, or other good cause, prior to filing such notice. Credit for residence and cultivation before the date of entry may be allowed under the conditions, explained in paragraph 25, as to three-year proof.

(*c*) Where a contest is initiated against an entry, prior to filing of notice to submit commutation proof, the entry will be considered under sections 2291 and 2297, Revised Statutes, as amended, and the homesteader's absence will not be excused upon the ground that he has complied with the law for 14 months and is under no obligation to further reside upon the land. However, a contest for abandonment can not be maintained if the absence after the 14 months' residence is pursuant to a leave of absence regularly and properly

granted under the act of March 2, 1889, or under conditions which would have entitled the entryman to such leave upon formal application therefor, and such absence will not prevent the submission of acceptable commutation proof.

(*d*) An entryman submitting commutation proof may add together, to make up the 14 months, periods of residence before and after an absence under a leave of absence regularly granted, or an absence of not exceeding five months of which he had given notices as provided by the act of June 6, 1912.

(*e*) A person submitting commutation proof must, in addition to certain fees, pay the price of the land; this is ordinarily $1.25 per acre, but is $2.50 per acre for lands within the limits of certain railroad grants. The price of certain ceded Indian lands varies according to their location, and inquiry should be made regarding each specific tract.

(*f*) The claimant must show full citizenship, as in case of three-year proof.

(*g*) The provisions of law explained in paragraph 27 (*f*) apply to commutation proof also.

(*h*) Commutation proof can not be made on homestead entries allowed under the act of April 28, 1904 (33 Stat., 547), known as the Kinkaid Act; entries under the reclamation act of June 17, 1902 (32 Stat., 388); entries under the enlarged-homestead acts (post, par. 43 et seq.); entries allowed on coal lands under the act of June 22, 1910 (36 Stat., 583), so long as the land is withdrawn or classified as coal; additional entries allowed under the act of April 28, 1904 (33 Stat., 527; Appendix No. 4); second entries allowed under the act of June 5, 1900 (31 Stat., 267; Appendix No. 4); second entries allowed under the act of May 22, 1902 (32 Stat., 203; Appendix No. 4), when the former entry was commuted; entries within forests under the act of June 11, 1906 (34 Stat., 233); or entries under the stock-raising act of December 29, 1916 (39 Stat., 862).

WHEN PROOF MAY BE SUBMITTED.

37. Either final or commutation proof may be made at any time when it can be shown that there is a habitable house upon the land and that the required residence and cultivation have been had. Proof must be submitted within five years. Failure to submit proof within the proper period is ground for cancellation of the entry unless good reason for the delay appears; satisfactory reasons being shown, final certificate may be issued, and the case referred to the board of equitable adjudication for confirmation.

WHO MAY SUBMIT PROOF.

38. (*a*) Final proof must be made by the entrymen personally or their widows, heirs, or devisees, and can not be made by agents, attorneys in fact, administrators, or executors, except as explained in paragraphs 10, 22, and 34. Final proof can be made only by citizens of the United States.

(*b*) Where entries are made and proof offered for minor orphan children of soldiers or sailors the minors may be represented by their guardian.

HOW PROOFS MAY BE MADE.

39. Final or commutation proofs may be made before any of the officers mentioned in paragraph 16 as being authorized to administer oaths to applicants.

Any person desiring to make homestead proof should first forward a written notice of his desire to the register and receiver of the land office, giving his post-office address, the number of his entry, the name and official title of the officer before whom he desires to make proof, the place at which the proof is to be made, and the name and post-office addresses of at least four of his neighbors who can testify from their own knowledge as to facts which will show that he has in good faith complied with all the requirements of the law.

40. The register will issue a notice naming the time and place for submission of proof and cause same to be published at entryman's expense for 30 days preceding submission of proof in the newspaper designated by the register. If this be a daily paper, the publication must be inserted in 30 consecutive issues; if daily except Sunday, in 26; if weekly, in 5; and if semiweekly, in 9 consecutive issues.

The first day of publication must be at least 30 days before the date set for proof, and a copy of the notice must be posted in a conspicuous place in the office of the register for at least 30 days before said date.

The homesteader must arrange with the publisher for publication of the notice of intention to make proof and make payment therefor directly to him. The register will be responsible for the correct preparation of the notice.

On the day named in the notice the entryman must appear before the officer designated to take proof with at least two of the witnesses named in the notice; but if for any reason the entryman and his witnesses are unable to appear on the date named, the officer should continue the case from day to day until the expiration of 10 days, and the proof may be taken on any day within that time when the entryman and his witnesses appear, but they should, if it is possible to do so, appear on the day mentioned in the notice.

FEES ON ENTRIES AND FINAL PROOFS.

41. *Fees and commissions.*—When a homesteader applies to make entry he must pay in cash to the receiver a fee of $5 if his entry is for less than 81 acres, or $10 if he enters 81 acres or more. And in addition to this fee he must pay, both at the time he makes entry and final proof, a commission of $1 for each 40-acre tract entered outside of the limits of a railroad grant and $2 for each 40-acre tract entered within such limits. Fees under the enlarged-homestead act and under the stock-raising homestead act are the same as above, but the commissions are based upon the area of the land embraced in the entry. (See par. 43.) Where an entry is commuted no commissions are payable, except in connection with certain ceded Indian lands, as to which inquiry must be made specifically at the proper local land offices. On all final proofs made before either the register or receiver, or before any other officer authorized to take proofs, the register and receiver are entitled to receive 15 cents for each 100 words reduced to writing, and no proof can be accepted or approved until all fees have been paid.

In all cases where lands are entered under the homestead laws i Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexic Oregon, Utah, Washington, and Wyoming the commissions due t the register and receiver on entries and final proofs, and the test mony fees under final proofs, are 50 per cent more than those abov specified, but the entry fee of $5 or $10, as the case may be, is th same in all the States.

Remittances of moneys to the local land offices must be made i cash or currency; but certified checks when drawn in favor of th receiver of public moneys on National and State banks and tru companies, which can be cashed without cost to the Government, ca be used. Likewise, the United States post-office orders are acceptabl when they are made payable to the receiver and are drawn on th post office at the place where the receiver is located.

ALIENATION OF LAND BY HOMESTEADER.

42. The alienation of all or any part of the land embraced in homestead prior to making proof, except for the public purpos mentioned in section 2288, Revised Statutes (see Appendix No. 1 will prevent the entryman from making satisfactory proof, since h is required to swear that he has not alienated any part of the lan except for the purposes mentioned in section 2288, Revised Statute

A mortgage by the entryman prior to final proof for the purpo of securing money for improvements, or for any other purpose no inconsistent with good faith, is not considered such an alienation o the land as will prevent him from submitting satisfactory proo In such a case, however, should the entry be canceled for any reaso prior to patent, the mortgagee would have no claim on the land o against the United States for the money loaned. A mortgagee wh files notice of his interest in the district land office becomes entitle to receive and be given the same notice of any contest or other pro ceeding thereafter had affecting the land which is required to b given the original entryman or claimant.

The right of a homestead entryman to patent is not defeated by th alienation of all or a part of the land embraced in his entry afte the submission of final proof and prior to patent, provided the proo submitted is satisfactory. Such an alienation is, however, at the ri of the entryman, for if the reviewing officers of the Land Departmen subsequently find the final proof so unsatisfactory that it must b wholly rejected and new proof required, the entryman can not thc truthfully make the nonalienation affidavit required by section 229 Revised Statutes, and his entry must in consequence be canceled. Th purchaser takes no better title than the entryman had, and if the en try is canceled the purchaser's title must necessarily fail.

Relinquishments run to the United States alone, and no perso obtains any right to the land by the mere purchase of a relinquish ment of a filing or entry.

ENLARGED HOMESTEADS.

43. The acts of February 19, 1909 (extended by later legislatio to additional States), and of June 17, 1910 (Appendix No. 13), pro vide for the making of homestead entries for areas of not exceedin

320 acres of public land in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, designated by the Secretary of the Interior as nonmineral, nontimbered, nonirrigable. As to Idaho, the act of June 17, 1910, provides that the lands must be "arid."

The terms "arid" or "nonirrigable" land, as used in these acts, are construed to mean land which, as a rule, lacks sufficient rainfall to produce agricultural crops without the necessity of resorting to unusual methods of cultivation, such as the system commonly known as "dry farming," and for which there is no known source of water supply from which such land may be successfully irrigated at a reasonable cost.

Lands containing merchantable timber, or valuable minerals other than coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals, and lands within a reclamation project, or lands which may be irrigated at a reasonable cost from any known source of water supply may not be entered under these acts. Entry may be allowed for the surface only of lands containing any of the minerals named. A legal subdivision will not be regarded as irrigable and excluded from designation under these acts because a minor portion of it is susceptible of irrigation unless said portion is at least one-eighth thereof. Where there is an application for additional entry after submission of final proof on the original the land covered by the original will not be regarded as irrigable, and excluded from designation, upon the ground that more than one-eighth of any subdivision is irrigable, unless said original embraces the equivalent of 20 or more acres of land in a reasonably compact body that can be thoroughly irrigated and reclaimed.

DESIGNATION OF LANDS—PETITIONS.

44. From time to time lists designating the lands which are subject to entry under these acts are sent to the registers and receivers in the States affected, and they are instructed immediately upon the receipt of such lists to note the same upon their tract books. In the order of designation, a date is fixed on which it will become effective, and at that time the land becomes subject to entry under the act.

Under the act of March 4, 1915 (38 Stat., 956, Appendix No. 17), a person may file an application for entry under the enlarged-homestead act of a tract of surveyed land which has not been designated thereunder, accompanied by a petition for its designation, or he may file application for additional entry, though part of the land involved has not been designated, accompanied by like petition. He thus secures a preference right of entry if the land be thereafter designated. Attention is directed to the fact that an additional entry can not be allowed unless the tract first entered, as well as the one sought to be added, is designated, and therefore petitions should in all cases cover so much of both tracts as has not already been designated. Instructions prescribing the procedure under the act mentioned are found in a special circular; the act itself is copied in Appendix No. 17.

The fact that lands have been designated as subject to entry is not conclusive as to the character of such lands, and should it afterwards develop that the land is not of the character contemplated by the above acts the designation may be canceled; but where an entry is made in good faith under the provisions of these acts, such designation will not thereafter be modified to the injury of anyone who in good faith has acted upon such designation. Each entryman must furnish affidavit as required by section 2 of the acts.

COMPACTNESS—FEES.

45. A tract included in an entry under the enlarged-homestead act or in an entry under the general law, and an additional under said act, should be in compact form, and such claim may not be permitted to entirely surround a subdivision of unappropriated lands subject to entry under said act.

The acts provide that the fees shall be the same as those now required to be paid under the homestead laws; therefore, while the fees may not in any one case exceed the maximum fee of $10 required under the general homestead law, the commissions will be determined by the area of the land embraced in the entry. See paragraph 41.

FILING OF APPLICATIONS.

46. Applications to make entry under these acts must be submitted on forms prescribed by the General Land Office; in case of an original entry, Form 4–003, and of an additional entry, Form 4–004.

The affidavit of an applicant as to the character of the land must be corroborated by two witnesses. It is not necessary that such witnesses be acquainted with the applicant, and if they are not so acquainted their affidavit should be modified accordingly.

The affidavit of the witnesses, as well as that of the applicant, must be executed before an officer authorized to administer oaths in homestead cases. See paragraph 16.

ADDITIONAL ENTRY FOR CONTIGUOUS LAND.

47. (*a*) Under section 3 of the enlarged-homestead acts a person who has entered less than 320 acres of land which is of the character described therein, and which has been so designated by the Secretary of the Interior, may make entry of adjoining lands, also so designated, which will not, together with the tract first entered, exceed 320 acres in area. Where proof has not already been submitted on the original claim at the time application for additional entry is filed, residence upon and cultivation of the tract first entered will be accepted as equivalent to residence upon and cultivation of the additional. Credit for compliance with the law as to the additional entry may be allowed from the date of the filing of the application to enter.

(*b*) Where a person makes entry under the general provisions of the homestead laws, and before submission of proof on said entry makes an additional entry under said section 3, the following rules govern the requirements as to the cultivation and residence to be shown by him on submission of proof:

(*c*) He may show compliance with the requirements of the law applicable to his original entry, and that, after the date of additional entry, he cultivated, in addition to such cultivation as was relied upon

and used in perfecting title to the original entry, an amount equal to one-sixteenth of the area of the additional entry for one year, not later than the second year of such additional entry, and one-eighth the following year and each succeeding year until proof submitted; however, the rules explained in paragraph 27 (*b*) are applicable to such cases. The cultivation in support of the additional entry may be maintained upon either entry.

(*d*) When proof is submitted on both entries at the same time, he may show the cultivation of an amount equal to one-sixteenth of the combined area of the two entries for one year, increased to one-eighth the succeeding year, and that such latter amount of cultivation has continued until offer of proof. If cultivation in these amounts can be shown, proof may be submitted without regard to the date of the additional entry, i. e., the required amount of cultivation may have been performed in whole or in part on the original entry before the additional entry was made, and proof on the additional need be deferred only until the showing indicated can be made. Such combined proof may be submitted not later than seven years from the date of the original entry.

(*e*) In instances where proof is first made on the original entry meeting the requirement of the homestead law respecting residence, no further showing in this particular will be exacted in making proof upon the additional entry; neither will a period of residence be exacted in proof upon the combined entry in excess of that required under the original entry.

(*f*) As above indicated, persons who have already submitted proof on their original entries are not, for that reason, deprived of the privilege of making additional entries. However, if a person makes entry for a tract contiguous to the one originally entered, he is required to show that he still owns and occupies (not necessarily resides upon) the tract first entered; in submitting proof on the additional filing, he is accorded credit for all residence on either tract, but must show cultivation of the additional tract itself to the extent and for the period (after the filing of the additional application) required by law. A special circular is issued under the act of March 3, 1915, allowing such additional entries (38 Stat., 956, Appendix No. 13).

ADDITIONAL ENTRY FOR INCONTIGUOUS LAND.

48. (*a*) Under section 7 of the enlarged-homestead acts, added thereto by the act of July 3, 1916 (39 Stat., 344), and the act of September 5, 1916 (39 Stat., 724), a person who has submitted final proof on a homestead entry for less than 320 acres of land of the character contemplated by said acts, has the right to enter sufficient land of similar character, not contiguous to his first entry, to make up therewith not more than 320 acres. He is required to have the same residence and cultivation and a habitable house on the additional entry as though it were an original filing, except where the second tract is within 20 miles of the first, in which case residence and a habitable house on either tract will be accepted. A special circular is issued relating to such additional entries. The act of July 3, 1916 (extended to Idaho by that of Sept. 5, 1916), is printed in Appendix No.

A qualified person who owns and continues to reside on his original entry may make entry for two or more in contiguous tracts within 20 miles of his original entry, if unable to secure in one tract the entire area he is entitled to enter; but one who no longer owns his original entry, or who seeks land not within 20 miles therefrom, can not be allowed to enter incontiguous tracts under this act.

(*b*) Where a person has perfected a homestead entry for less than 160 acres and is entitled to an additional entry for sufficient land to make that area, he may enter under the enlarged-homestead act a tract designated thereunder of an amount double that which he would be entitled to appropriate of land not so designated. (Act of Feb. 20, 1917, 39 Stat., 925, Appendix No. 13.)

Section 1 of the act of March 4, 1923 (42 Stat., 1445), provides that a person who has a subsisting or perfected homestead entry for 160 acres or less of land in a national forest which is of the character contemplated by the enlarged homestead act may make an additional entry for such an amount of land of the same character not in a national forest and within twenty miles from such entry as when the area thereof is added to the area of the original entry will not exceed 320 acres, but at time of making entry thereunder, after proof on the original entry, the applicant must show ownership of and residence on the land in the original entry.

ENTRIES NOT REQUIRING RESIDENCE.

49. The sixth section of the act of February 19, 1909 (35 Stat., 639, Appendix No. 15), provides that not exceeding 2,000,000 acres of land in the State of Utah, which do not have upon them sufficient water suitable for domestic purposes as will render continuous residence upon such lands possible, may be designated by the Secretary of the Interior as subject to entry under the provisions of that act, with the exception, however, that entrymen of such lands need not reside thereon. This act provides in such cases that all entrymen must reside within such distance of the land entered as will enable them successfully to farm the same as required by the act; and no attempt will be made at this time to determine how far from the land an entryman will be allowed to reside, as it is believed that the proper determination of that question will depend upon the circumstances of each case.

During the second year of the entry at least one-eighth of the area must be cultivated, and during the third, fourth, and fifth years, and until submission of final proof, one-fourth of the area entered must be cultivated. Proof may be submitted on entries of this class within seven years after their dates.

The rules relating to petitions for designation of lands, referred to in paragraphs 44 and 47, apply to section 6 of the enlarged-homestead act; applications to make entry thereunder will not be received until the date fixed in the order designating the land as subject to entry under said section, except when accompanied by petitions for designation, complying with the rules with reference thereto.

50. The sixth section of the act of June 17, 1910 (36 Stat., 531), as amended by the act of August 10, 1917 (40 Stat., 273), provides for the designation of 1,000,000 acres of land in the State of Idaho of the same character contemplated by section [illegible] the act of Feb

ruary 19, 1909. One-sixteenth of the cultivable area of the entry must be cultivated during the first year of the entry, one-eighth of the area during the second year, and one-fourth of the area during the third and each succeeding year. Entries made under section 6 of the act prior to August 10, 1917, may be perfected without a showing as to cultivation during the first year, but entryman must show cultivation of one-eighth of the area of the entry during the second year, one-fourth of the area of the entry during the third, fourth, and fifth years and until submission of final proof; but in such cases the entryman must show that he resided within 20 miles from the land in his entry, whereas under the act as amended it is required that "after six months from the date of entry and until final proof the entryman shall be a resident of the State of Idaho." Proof may be submitted on entries of this class within seven years after their dates.

STOCK-RAISING HOMESTEADS.

51. (*a*) The act of December 29, 1916 (39 Stat., 862), provides that the Secretary of the Interior may designate unappropriated, unreserved public lands as "stock-raising lands," where the surface thereof is, in his opinion, chiefly valuable for grazing and raising forage crops, provided they do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, are of such character that 640 acres are reasonably required for the support of a family, and contain no water holes or other bodies of water needed or used by the public for watering purposes.

(*b*) Where lands are thus designated any person qualified to make entry under the homestead laws may make a homestead entry for not exceeding 640 acres thereof, and the fact that the tract sought may be valuable for coal or other minerals is not material, since all minerals are reserved to the United States.

(*c*) There is required compliance with the provisions of the general law with respect to residence and the erection of a habitable house. No specific amount of cultivation is required, but it must be shown, on submission of proof, that the entryman has made permanent improvements upon the tract, tending to increase its value for stock-raising purposes, of the value of not less than $1.25 per acre, half of which improvements must be placed there within three years after entry; also that the land has been used for three years for raising stock and forage crops.

(*d*) Preference right of entry through applications accompanied by petitions for designation may be secured in substantially the same manner as under the enlarged-homestead law.

(*e*) The act provides for additional entries and for entries conditioned on the surrender of former filings. These matters, as well as the preferential right for additional entry of contiguous lands, are explained in a special circular issued under this act.

(*f*) Section 2 of the act of March 4, 1923 (42 Stat., 1445), provides that a person who made a homestead entry for 160 acres or less of land in a national forest which is of the character contemplated by the stock-raising act, who has not submitted final proof upon his existing entry, may make an additional entry under this section of the act for such an area not in a national forest and within a radius of 20 miles from the original entry as, when added to the area of the original entry, will not exceed 640 acres. An additional stock-raising entry may also be made after proof on such forest homestead entry if the applicant can show he is owner of and residing on the land in his original entry at the time of filing application for additional entry.

(*g*) An additional entry under section 6, of the act of March 2, 1889 (25 Stat., 854), or under the act of July 3, 1916 (39 Stat., 344), upon which residence has been or is maintained, may be the basis for a stock-raising additional entry for land within 20 miles of such additional entry.

SURFACE HOMESTEAD ENTRIES FOR COAL, OIL, OR GAS LANDS.

52. Homestead applications for lands embraced in applications for coal, oil, or gas prospecting permits or leases when filed in the local land office must be suspended and forwarded to the General Land Office for consideration and instructions and all homestead applications for lands, classified as or known to be valuable for coal, oil, or gas, must be accompanied with the consent of the applicant that his application be allowed in accordance with and subject to the provisions and reservations of the act of June 22, 1910 (36 Stat., 583) as to coal, or of the act of July 17, 1914 (38 Stat., 509) as to oil or gas. A stock-raising entry can not be allowed for lands included in a petroleum reserve or Naval petroleum reserve, but lands within such reserve other than a Naval petroleum reserve are subject to entry under section 2289 of the United States Revised Statutes, or under the enlarged homestead acts with a reservation of the mineral deposits in the land to the United States under the said act of July 17, 1914. All nonmineral applications for lands which have been or shall be designated by the department as being within the known geological structures of producing oil or gas fields, or for lands in an approved lease, must be rejected (by the local officers). Nonmineral applications found to be in conflict with prior coal, oil, or gas prospecting permit applications may be returned to the local officers by the Commissioner of the General Land Office for allowance, if after due notice the mineral applicants make no objections and after proper consents to the reservation to the United States of the mineral in the land have been obtained from the homestead applicants together with consent that the application be subject to the rights of the prior permittees or lessees, as the case may be, to use so much of the surface of the land applied for as is necessary in extracting and removing the mineral deposits without compensation to the homestead applicants for such use in accordance with section 29 of the act of February 25, 1920 (41 Stat., 437).

Very respectfully,

WILLIAM SPRY,
Commissioner.

Approved Feb. 18, 1924:
E. C. FINNEY,
First Assistant Secretary.

APPENDIX.

(No. 1.)

UNITED STATES REVISED STATUTES.

SEC. 2288. Any bona fide settler under the preemption, homestead, or other settlement law shall have the right to transfer by warranty against his own acts any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, telegraph, telephones, canals, reservoirs, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim. (As amended by act Mar. 3, 1905.)

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter section, or a less quantity, of unappropriated public lands, to be located in a body in conformity to the legal subdivisions of the public lands; but no person who is the proprietor of more than one hundred and sixty acres of land in any State or Territory shall acquire any right under the homestead law. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres. (As amended by act Mar. 3, 1891.)

SEC. 2290. That any person applying to enter land under the preceding section shall first make and subscribe before the proper officer and file in the proper land office an affidavit that he or she is the head of a family, or is over twenty-one years of age, and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation, and that he or she will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself or herself, and that he or she has not directly or indirectly made, and will not make, any agreement or contract in any way or manner, with any person or persons, corporation, or syndicate whatsoever, by which the title which he or she might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person, except himself or herself, and upon filing such affidavit with the

register or receiver, on payment of five dollars, when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he or she shall thereupon be permitted to enter the amount of land specified. (As amended by act Mar. 3, 1891.)

SEC. 2291. [This section, as amended by the act of June 6, 1912, is given in Appendix No. 14.] Prior to the passage of that act, section 2291 read as follows:

SEC. 2291. No certificate, however, shall be given or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or, if he be dead, his widow; or, in case of her death, his heirs or devisee; or, in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they will bear true allegiance to the Government of the United States; then in such case he, she, or they, if at that time citizens of the United States, shall be entitled to a patent as in other cases provided by law.

SEC. 2292. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase and be entitled to a patent from the United States on the payment of the office fees and sum of money above specified.

SEC. 2293. In case of any person desirous of availing himself of the benefits of this chapter, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

SEC. 2294. That hereafter all proofs, affidavits, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, preemption, timber-culture, desert-land, and timber and stone acts, may in addition to those now authorized to take such affidavits, proofs, and oaths be made before any United States commissioner or commissioner of the court exercising Federal jurisdiction in the Territory or before the judge or clerk of any court of record in the county, parish, or land district in which the

lands are situated: *Provided*, That in cases where because of geographic or topographic conditions there is a qualified officer nearer or more accessible to the land involved, but outside the county and land district, affidavits, proofs, and oaths may be taken before such officer: *Provided further*, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken outside of the county or land district in which the land is located, the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take such affidavits, proofs, and oaths; but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, or which may have heretofore been so made and duly subscribed, shall have the same force and effect as if made before the register and receiver when transmitted to them with the fees and commissions allowed and required by law. That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver, shall be as follows:

For each affidavit, 25 cents.

For each deposition of claimant or witness, when not prepared by the officer, 25 cents.

For each deposition of claimant or witness prepared by the officer, $1.

Any officer demanding or receiving a greater sum for such service shall be guilty of misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding $100. [As amended by acts of March 4, 1904 (33 Stat., 59), and Feb. 23, 1923 (42 Stat., 1281).]

SEC. 2296. No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

SEC. 2297. [This section as amended by the act of June 6, 1912, is given in Appendix No. 14.] Prior to the passage of that act section 2297 read as follows:

SEC. 2297. If, at any time after the filing of the affidavit, as required in section twenty-two hundred and ninety, and before the expiration of the five years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit has actually changed his residence or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided*, That where there may be climatic reason the Commissioner of the General Land Office may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe. (As amended by act of Mar. 3, 1881.)

SEC. 2298. No person shall be permitted to acquire title to more than one quarter section under the provisions of this chapter.

SEC. 2299. Nothing contained in this chapter shall be so construed as to impair or interfere in any manner with existing preemption rights; and all persons who may have filed their applications for a preemption right prior to the twentieth day of May, eighteen hundred and sixty-two, shall be entitled to all the privileges of this chapter.

* * * * * * *

SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who shall hereafter avail himself of the benefits of section twenty-two hundred and eighty-nine from paying the minimum price for the quantity of land so entered at any time after the expiration of fourteen calendar months from the date of such entry, and obtaining a patent therefor, upon making proof of settlement and of residence and cultivation for such period of fourteen months, and the provision of this section shall apply to lands on the ceded portion of the Sioux Reservation by act approved March second, eighteen hundred and eighty-nine, in South Dakota, but shall not relieve said settlers from any payments now required by law. (As amended by act Mar. 3, 1891, 26 Stat., 1095.)

SEC. 2302. No distinction shall be made in the construction or execution of this chapter on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions.

* * * * * * *

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February thirteenth, eighteen hundred and sixty-two; and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government; and every private soldier and officer who has served in the Army of the United States during the Spanish War, or who has served, is serving, or shall have served in the said Army during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged; and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the Spanish War, or who has served, is serving, or shall have served in the said forces during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States: but such homestead settler shall be allowed six months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settle-

ment and improvement. (As amended by act Mar. 1, 1901, 31 Stat., 847.)

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements: *Provided*, That in every case in which a settler on the public land of the United States under the homstead laws died while actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine, during the War with Spain or the Philippine insurrection, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, may proceed forthwith to make final proof upon the land so held by the deceased soldier and settler, and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation for the full period of five years, and shall entitle his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, to make final proof upon and receive Government patent for said land; and that upon proof produced to the officers of the proper local land office by the widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, that the applicant for patent is the widow, if unmarried, or in case of her death or marriage, his orphan children or his or their legal representatives, and that such soldier, sailor, or marine died while in the service of the United States as hereinbefore described, the patent for such land shall issue. (As amended by act of Mar. 1, 1901, 31 Stat., 847.)

* * * * * * *

SEC. 2307. In case of the death of any person who would be entitled to a homestead under the provisions of section two thousand three hundred and four, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvement therein contained; but if such person died during his term of enlistment, the whole term of his enlistment shall be deducted from the time heretofore required to perfect the title.

* * * * * * *

SEC. 2309. Every soldier, sailor, marine, officer, or other person coming within the provisions of section two thousand three hundred and four, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in preemption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlement and improvements on the same and thereafter fulfill the requirements of the law

(No. 2.)

THREE HUNDRED AND TWENTY ACRE LIMITATION.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

No person who shall, after the passage of this act, enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry, or settlement is validated by this act: *Provided*, That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act, west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States.

Approved August 30, 1890. (26 Stat., 391.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 17. That reservoir sites located or selected and to be located and selected under the provisions of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes," and amendments thereto, shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs, excluding so far as practicable lands occupied by actual settlers at the date of the location of said reservoirs; and that the provisions of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes," which reads as follows, viz: "No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws" shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands, and not include lands entered or sought to be entered under mineral-land laws.

Approved March 3, 1891. (26 Stat., 1095.)

(No. 3.)

FREE HOMESTEAD ACT.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all settlers under the homestead laws of the United States upon the agricultural

public lands, which have already been opened to settlement, acquired prior to the passage of this act by treaty or agreement from the various Indian tribes, who have resided or shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands in the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect. * * *

Approved May 17, 1900. (31 Stat., 179.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section twenty-three hundred and one of the Revised Statutes of the United States, as amended, allowing homestead settlers to commute their homestead entries be, and the same hereby are, extended to all homestead settlers affected by or entitled to the benefit of the provisions of the act entitled "An act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose," approved the seventeenth day of May, anno Domini nineteen hundred: *Provided, however*, That in commuting such entries the entryman shall pay the price provided in the law under which original entry was made.

Approved January 26, 1901. (31 Stat., 740.)

(No. 4.)

ADDITIONAL HOMESTEAD ENTRIES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 6. That every person entitled, under the provisions of the homestead law, to enter a homestead, who has heretofore complied with or who shall hereafter comply with the conditions of said laws, and who shall have made his final proof thereunder for a quantity of land less than one hundred and sixty acres and received the receiver's final receipt therefor, shall be entitled under said laws to enter as personal right, and not assignable, by legal subdivisions of the public lands of the United States subject to homestead entry, so much additional lands as added to the quantity previously so entered by him shall not exceed one hundred and sixty acres: *Provided*, That in no case shall patent issue for the land covered by such additional entry until the person making such additional entry shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise fully complied with such laws: *Provided also*, That this section shall not be construed as affecting any rights as to location of soldiers' certificates heretofore issued under section two thousand three hundred and six of the Revised Statutes.

Approved March 2, 1889. (25 Stat., 854.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 2. That any homestead settler who has heretofore entered, or may hereafter enter, less than one-quarter section of land may enter other and additonal land lying contiguous to the original entry which shall not, with the land first entered and occupied, exceed in the aggregate one hundred and sixty acres, without proof of residence upon and cultivation of the additional entry; and if final proof of settlement and cultivation has been made for the original entry when the additional entry is made, then the patent shall issue without further proof: *Provided*, That this section shall not apply to or for the benefit of any person who does not own and occupy the lands covered by the original entry: *And provided*, That if the original entry should fail for any reason prior to patent, or should appear to be illegal or fraudulent, the additional entry shall not be permitted, or, if having been initiated, shall be canceled.

SEC. 3. That commutation under the provisions of section twenty-three hundred and one of the Revised Statutes shall not be allowed of an entry made under this act.

Approved April 28, 1904. (33 Stat., 527.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any homestead entryman of one hundred and sixty acres or less of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of the Enlarged Homestead Act of February 19, 1909, or June 17, 1910, who has not submitted final proof upon his existing entry, and any homestead entryman who has submitted final proof, or received patent, for such an amount of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as of the character described in said Act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land, of that same character, not in a national forest, and within a radius of twenty miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed three hundred and twenty acres, and residence upon the original entry shall be credited on both entries; but cultivation must be made on the additional entry as required by said Act. For the purposes of this Act the Secretary of the Interior is authorized to designate as subject to the Enlarged Homestead Acts lands embraced, at the time of such designation, within valid subsisting entries within national forests.

SEC. 2. That any homestead entrymen of one hundred and sixty acres or less of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of the Stock Raising Homestead Act of December 29, 1916, who has not submitted final proof upon his existing entry, and also any homestead entryman who has submitted final proof or received patent, for such an amount of lands that are of the character described as subject to entry under the provisions of the said Stock Raising Homestead Act, and who owns and resides

upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land of that same character, not in a national forest and within a radius of twenty miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed six hundred and forty acres, and residence upon the original entry shall be credited on both entries; but improvements must be made on the additional entry equal to $1.25 for each acre thereof. For the purposes of this Act the Secretary of the Interior is authorized to designate under the Stock Raising Homestead Act lands embraced, at the time of such designation, within valid subsisting entries within national forests.

Approved March 4, 1923. (42 Stat., 1445.)

(No. 5.)

SECOND HOMESTEAD ENTRIES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person otherwise duly qualified to make entry or entries of public lands under the homestead or desert-land laws, who has heretofore made or may hereafter make entry under said laws, and who, through no fault of his own, may have lost, forfeited, or abandoned the same, or who may hereafter lose, forfeit, or abandon same, shall be entitled to the benefits of the homestead or desert-land laws as though such former entry or entries had never been made: *Provided*, That such applicant shall show to the satisfaction of the Secretary of the Interior that the prior entry or entries were made in good faith, were lost, forfeited, or abandoned because of matters beyond his control, and that he has not speculated in his right nor committed a fraud or attempted fraud in connection with such prior entry or entries.

Approved September 5, 1914. (38 Stat., 712.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 2. That any person who, prior to the passage of an act entitled "An act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose," approved May seventeenth, nineteen hundred, having made a homestead entry and perfected the same and acquired title to the land by final entry by having paid the price provided in the law opening the land to settlement, and who would have been entitled to the provisions of the act before cited had final entry not been made prior to the passage of said act, may make another homestead entry of not exceeding one hundred and sixty acres of any of the public lands in any State or Territory subject to homestead entry: *Provided*, That any person desiring to make another entry under this act will be required to make affidavit, to be transmitted with the other filing papers now required by law, giving the description of the tract formerly entered, date and number of entry, and name of the land office where made, or other sufficient data to admit of readily

identifying it on the official records: *And provided further*, That said person has all the other proper qualifications of a homestead entryman: *And provided also*, That commutation under section twenty-three hundred and one of the Revised Statutes or any amendment thereto, or any similar statute, shall not be permitted of entry made under this act, excepting where the final proof, submitted on the former entry hereinbefore described, shows a residence upon the land covered thereby for the full period of five years or such term of residence thereon as added to any properly credited military or naval service shall equal such period of five years.

Approved May 22, 1902. (32 Stat., 203.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 2. That any person who has heretofore made entry under the homestead laws and commuted same under provisions of section twenty-three hundred and one of the Revised Statutes of the United States and the amendments thereto, shall be entitled to the benefits of the homestead laws, as though such former entry had not been made except that commutation under the provisions of section twenty-three hundred and one of the Revised Statute shall not be allowed of an entry made under this section of this act.

Approved June 5, 1900. (31 Stat., 267.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act any person who has heretofore entered under the homestead laws, and paid a price equivalent to or greater than $4 per acre, lands embraced in a ceded Indian reservation, shall upon proof of such fact, if otherwise qualified, be entitled to the benefits of the homestead law as though such former entry had not been made: *Provided*, That the provisions of this act shall not apply to any person who has failed to pay the full price for his former entry or whose former entry was canceled for fraud.

Approved February 20, 1917. (39 Stat., 925.)

(No. 6.)

RIGHTS OF SETTLERS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 3. That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States Land Office as is now allowed to settlers under the pre-emption laws to put their claims on record, and his right shall relate back to the date of settlement the same as if he settled under the preemption law.

Approved May 14, 1880. (21 Stat., 140.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 2. That all commutations of homestead entries shall be allowed after the expiration of fourteen months from date of settlement.

Approved June 3, 1896. (29 Stat., 197.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any qualified person who has heretofore or shall hereafter in good faith make settlement upon and improve unsurveyed, unreserved, unappropriated public lands of the United States with intention, upon survey, of entering same under the homestead laws shall be entitled to a leave of absence in one or two periods not exceeding in the aggregate five months in each year after establishment of residence: *Provided*, That he shall have plainly marked on the ground the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed, of the period of intended absence, and that he shall upon the termination of the absence and his return to the land file notice thereof in the local land office.

Approved July 3, 1916. (39 Stat., 341.)

HOMESTEAD ENTRY BY MARRIED WOMAN.

(No. 7.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of the act of Congress approved May fourteenth, eighteen hundred and eighty, entitled "An act for the relief of settlers on the public lands," be amended by adding thereto the following:

"Where an unmarried woman who has heretofore settled or may hereafter settle, upon a tract of public land, improved, established, and maintained a bona fide residence thereon, with the intention of appropriating the same for a home, subject to the homestead law, and has married, or shall hereafter marry, before making entry of said land, or before making application to enter said land, she shall not, on account of her marriage, forfeit her right to make entry and receive patent for the land: *Provided*, That she does not abandon her residence on said land and is otherwise qualified to make homestead entry: *Provided further*, That the man whom she marries is not at the time of their marriage claiming a separate tract of land under the homestead law.

"That this act shall be applicable to all unpatented lands claimed by such entrywoman at the date of passage."

Approved June 6, 1900. (31 Stat., 683.)

(No. 8.)

SETTLERS WHO BECOME INSANE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases in which parties who regularly initiated claims to public lands as settlers thereon, according to the provisions of the preemption or homestead laws, have become insane or shall hereafter become insane before the expiration of the time during which their residence, cultivation, or improvement of the land claimed by them is required by law to be continued in order to entitle them to make the proper proof and perfect their claims, it shall be lawful for the required proof and payment to be made for their benefit by any person who may be legally authorized to act for them during their disability, and thereupon their claims shall be confirmed and patented, provided it shall be shown by proof satisfactory to the Commissioner of the General Land Office that the parties complied in good faith with the legal requirements up to the time of their becoming insane, and the requirements in homestead entries of an affidavit of allegiance by the applicant in certain cases as a prerequisite to the issuing of the patents shall be dispensed with so far as regards such insane parties.

Approved June 8, 1880. (21 Stat., 166.)

(No. 9.)

LEAVES OF ABSENCE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 3. That whenever it shall be made to appear to the register and receiver of any public land office, under such regulations as the Secretary of the Interior may prescribe, that any settler upon the public domain under existing law is unable, by reason of a total or partial destruction or failure of crops, sickness, or other unavoidable casualty, to secure a support for himself, herself, or those dependent upon him or her upon the lands settled upon, then such register and receiver may grant to such a settler a leave of absence from the claim upon which he or she has filed for a period not exceeding one year at any one time, and such settler so granted leave of absence shall forfeit no rights by reason of such absence: *Provided*, That the time of such actual absence shall not be deducted from the actual residence required by law.

Approved March 2, 1889. (25 Stat., 854.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the register and receiver of the local land office under rules and regulations made by the Commissioner of the General Land Office may, upon proper showing, upon application of the homesteader, and only for climatic conditions, which makes residence on the homestead for seven months in each year a hardship, reduce the term of residence to not more than six months in each year, over a period of four years, or to not more than five months each year over a period of five years, but the total residence required shall in no event exceed twenty-five months, not less than five of which shall be in each year, proof to be made within five years after entry.

Approved February 25, 1919. (40 Stat., 1153.)

(No. 10.)

FINAL PROOF NOTICE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That before final proof shall be submitted by any person claiming to enter agricultural lands under the laws providing for preemption or homestead entries, such person shall file with the register of the proper land office a notice of his or her intention to make such proof, stating therein the description of lands to be entered and the names of the witnesses by whom the necessary facts will be established. Upon the filing of such notice the register shall publish a notice that such application has been made once a week for the period of thirty days in a newspaper to be by him designated as published nearest to such land, and he shall also post such notice in some conspicuous place in his office for the same period. Such notice shall contain the names of the witnesses as stated in the application. At the expiration of said period of thirty days the claimant shall be entitled to make proof in the manner heretofore provided by law. The Secretary of the Interior shall make all necessary rules for giving effect to the foregoing provisions.

Approved March 3, 1879. (20 Stat., 472.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 7. That the "act to provide additional regulations for homestead and preemption entries of public land," approved March third, eighteen hundred and seventy-nine, shall not be construed to forbid the taking of testimony for final proof within ten days following the day advertised as upon which such final proof shall be made in cases where accident or unavoidable delays have prevented the applicant or witnesses from making such proof on the date specified.

Approved March 2, 1889. (25 Stat., 854.)

(No. 11.)

PENALTIES FOR DESTROYING CORNER MONUMENTS.

UNITED STATES CRIMINAL CODE—CHAP. 4, SEC. 57. Whoever shall wilfully destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post on any Government line of survey, or shall wilfully cut down any witness tree or any tree blazed to mark the line of a Government survey, or shall wilfully deface, change, or remove any monument or bench mark of any Government survey, shall be fined not more than two hundred and fifty dollars, or imprisoned not more than six months, or both.

(No. 12.)

RELINQUISHMENTS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when a preemption, homestead, or timber-culture claimant shall file a written relinquishment of his claim in the local land office the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Commissioner of the General Land Office.

* * * * * * *

Approved May 14, 1880. (21 Stat., 140.)

(No. 13.)

ENLARGED HOMESTEADS.

The act of February 19, 1909 (35 Stat., 639), was amended by the acts of June 13, 1912 (37 Stat., 132), March 3, 1915 (38 Stat., 953) and March 4, 1915 (38 Stat., 1162), California, Kansas, North Dakota, and South Dakota being inserted among the States affected thereby; it was further amended by the acts of February 11, 19 (37 Stat., 666), March 3, 1915 (38 Stat., 956), and July 3, 1916 (Stat., 344), by inserting new sections, Nos. 3 and 4, and adding seventh section. The act as it now stands reads as follows:

"*Be it enacted by the Senate and House of Representatives of t United States of America in Congress assembled*, That any pers who is a qualified entryman under the homestead laws of the Unit States may enter, by legal subdivisions, under the provisions of t act, in the States of Arizona, California, Colorado, Kansas, Montan Nevada, New Mexico, North Dakota, Oregon, South Dakota, Uta Washington, and Wyoming, three hundred and twenty acres, or l of nonmineral, nonirrigable, unreserved, and unappropriated su veyed public lands which do not contain merchantable timber, locat in a reasonably compact body, and not over one and one-half miles extreme length: *Provided*, That no lands shall be subject to ent under the provisions of this act until such lands shall have be designated by the Secretary of the Interior as not being, in h opinion, susceptible of successful irrigation at a reasonable cost fr any known source of water supply.

"SEC. 2. That any person applying to enter land under the prov sions of this act shall make and subscribe before the proper officer affidavit as required by section twenty-two hundred and ninety of t Revised Statutes, and in addition thereto shall make affidavit th the land sought to be entered is of the character described in secti one of this act, and shall pay the fees now required to be paid und the homestead laws.

"SEC. 3. That any person who has made, or shall make, homeste entry of lands of the character herein described, and who has submitted final proof thereon, or who having submitted final pr still owns and occupies the land thus entered, shall have the right enter public lands, subject to the provisions of this act, contigu to his first entry, which shall not, together with the original ent exceed three hundred and twenty acres: *Provided*, That the la originally entered and that covered by the additional entry sh have first been designated as subject to this act, as provided section one thereof.

"SEC. 4. That at the time of making final proof, as provided section twenty-two hundred and ninety-one of the Revised Statut the entryman under this act shall, in addition to the proofs and a

davits required under said section, prove by himself and two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses, beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made, or who hereafter makes, additional entry under the provisions of section three of this act to an entry upon which final proof has not been made, may be allowed to perfect title to his original entry by showing compliance with the provisions of section twenty-two hundred and ninety-one of the Revised Statutes, respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvement made upon his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such a combined entry is hereby extended to seven years from the date of the original entry: *Provided further*, That where an entry is made as additional to an entry upon which final proof has theretofore been submitted by an entryman who still owns and occupies the land thus entered, the entryman in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date thereof, but the cultivation required upon entries made under this act must be shown respecting such additional entry and must be performed upon the land included therein to the extent and for the period required in connection with the original entries under this act, proof of which must be submitted within five years from and after the date of the additional entry: *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence as required by section twenty-two hundred and ninety-one of the Revised Statutes.

"SEC. 5. That nothing herein contained shall be held to affect the right of a qualified entryman to make homestead entry in the States named in section one of this act under the provisions of section twenty-two hundred and eighty-nine of the Revised Statutes, but no person who has made entry under this act shall be entitled to make homestead entry under the provisions of said section, and no entry made under this act shall be commuted.

"SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land, in the State of Utah, subject to entry under this act, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate two million acres, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this section.

"SEC. 7. That any person who has made or shall make homestead entry of less than three hundred and twenty acres of lands of the character herein described, and who shall have submitted final proof thereon, shall have the right to enter public lands subject to the provisions of this act, not contiguous to his first entry, which shall not with the original entry exceed three hundred and twenty acres: *Provided*, That the land originally entered and that covered by the additional entry shall first have been designated as subject to this act, as provided by section one thereof: *Provided further*, That in no case shall patent issue for the land covered by such additional entry until the person making same shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise complied with such laws, except that where the land embraced in the additional entry is located not exceeding twenty miles from the land embraced in the original entry no residence shall be required on such additional entry if the entryman is residing on his former entry: *And provided further*, That this section shall not be construed as affecting any rights as to location of soldiers' additional homesteads under section twenty-three hundred and six of the Revised Statutes."

In the act of June 17, 1910 (36 Stat., 531), applicable to Idaho alone, as amended by the acts of September 5, 1916 (39 Stat., 721), August 10, 1917 (40 Stat., 273), and earlier acts, sections 2, 3, 4, and 5 are identical with those in the above act of February 19, 1909, as amended. Sections 1, 6, and 7 are as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivision, under the provisions of this act, in the State of Idaho, three hundred and twenty acres or less of arid nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body and not over one and one-half miles in extreme length: *Provided*, That no lands shall be subject to entry under the provisions of this act until the lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation, at a reasonable cost, from any known source of water supply.

"SEC. 6. That whenever the Secretary of the Interior shall find any tracts of land in the State of Idaho, subject to entry under this act, do not have upon them a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the

lands possible he may, in his discretion, designate such tracts of land, not to exceed in the aggregate one million acres, and thereafter they shall be subject to entry under this act without the necessity of residence upon the land entered: *Provided*, That the entryman shall in good faith cultivate not less than one-sixteenth of the entire area of the entry which is susceptible of cultivation during the first year of the entry, not less than one-eighth during the second year, and not less than one-fourth during the third year of the entry and until final proof: *Provided further*, That after six months from the date of entry and until final proof the entryman shall be a resident of the State of Idaho.

"SEC. 7. That any person who has made or shall make homestead entry of less than three hundred and twenty acres of lands of the character herein described, and who shall have submitted final proof thereon, shall have the right to enter public lands subject to the provisions of this act, not contiguous to his first entry, which shall not with the original entry exceed three hundred and twenty acres: *Provided*, That the land originally entered and that covered by the additional entry shall first have been designated as subject to this act or the act of February nineteenth, nineteen hundred and nine (Thirty-fifth Statutes, page six hundred and thirty-nine), as provided by section one of said acts: *Provided further*, That in no case shall patent issue for the land covered by such additional entry until the person making same shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise complied with such laws, except that where the land embraced in the additional entry is located not exceeding twenty miles from the land embraced in the original entry, no residence shall be required on such additional entry if the entryman is residing on his former entry: *And provided further*, That this section shall not be construed as affecting any rights as to location of soldiers' additional homesteads under section twenty-three hundred and six of the Revised Statutes."

NOTE.—As to cultivation of lands entered under section 6 of both of the above acts, the requirements in that respect are reduced by the provisions of the three-year homestead law of June 6, 1912, printed next below; as to Idaho the cultivation requirements were further changed by act of August 10, 1917. See paragraphs 49 and 50.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person otherwise qualified who has obtained title under the homestead laws to less than one quarter section of land may make entry and obtain title under the provisions of the act entitled "An act to provide for enlarged homesteads," approved February nineteenth, nineteen hundred and nine, and an act of June seventeenth, nineteen hundred and ten, entitled "An act to provide for an enlarged homestead," for such an area of public lands as will, when one-half of such area is added to the area of the lands to which he has already obtained title, not exceed one quarter section: *Provided*, That this act shall not be construed to apply to soldiers' additional homestead entries made under section twenty-three hundred and six, United States Revised Statutes, or acts amendatory thereof or supplemental thereto.

Approved February 20, 1917. (39 Stat., 925.)

(No. 14.)

THE THREE-YEAR HOMESTEAD LAW.

Be it enacted by the Senate and House of Representatives of United States of America in Congress assembled, That sect twenty-two hundred and ninety-one and section twenty-two hund and ninety-seven of the Revised Statutes of the United States amended to read as follows:

"SEC. 2291. No certificate, however, shall be given or pat issued therefor until the expiration of three years from the d of such entry; and if at the expiration of such time, or at any t within two years thereafter, the person making such entry, or, if be dead, his widow; or, in case of her death, his heirs or devisee; in case of a widow making such entry, her heirs or devisee, in c of her death, proves by himself and by two credible witnesses t he, she, or they have a habitable house upon the land and h actually resided upon and cultivated the same for a term of th years succeeding the time of filing the affidavit, and makes affida that no part of such land has been alienated, except as provided section twenty-two hundred and eighty-eight, and that he, she, they will bear true allegiance to the Government of the Uni States, then in such case he, she, or they, if at that time citiz of the United States, shall be entitled to a patent as in other ca provided by law: *Provided*, That upon filing in the local land of notice of the beginning of such absence, the entryman shall entitled to a continuous leave of absence from the land for a per not exceeding five months in each year after establishing residen and upon the termination of such absence the entryman shall fil notice of such termination in the local land office, but in case commutation the fourteen months' actual residence as now requi by law must be shown and the person commuting must be at the t a citizen of the United States: *Provided*, That when the per making entry dies before the offer of final proof those succeed to the entry must show that the entryman had complied with law in all respects to the date of his death and that they have si complied with the law in all respects as would have been required the entryman had he lived, excepting that they are relieved from requirement of residence upon the land: *Provided further*, That entryman shall, in order to comply with the requirements of cult tion herein provided for, cultivate not less than one-sixteenth of area of his entry, beginning with the second year of the entry, and less than one-eighth, beginning with the third year of the en and until final proof, except that in the case of entries under sec 6 of the enlarged-homestead law double the area of cultivation he provided shall be required, but the Secretary of the Interior m upon a satisfactory showing, under rules and regulations prescri by him, reduce the required area of cultivation: *Provided*, That above provision as to cultivation shall not apply to entries under act of April twenty-eighth, nineteen hundred and four, comm known as the Kinkaid Act, or entries under the act of June se teenth, nineteen hundred and two, commonly known as the recla tion act, and that the provisions of this section relative to the ho stead period shall apply to all unperfected entries as well as ent hereafter made upon which residence is required: *Provided*, T

the Secretary of the Interior shall, within sixty days after the passage of this act, send a copy of the same to each homestead entryman of record who may be affected thereby, by ordinary mail to his last known address, and any such entryman may, by giving notice within one hundred and twenty days after the passage of this act, by registered letter to the register and receiver of the local land office, elect to make proof upon his entry under the law under which the same was made without regard to the provisions of this act.

"SEC. 2297. If, at any time after the filing of the affidavit as required in section twenty-two hundred and ninety and before the expiration of the three years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land office that the person having filed such affidavit has failed to establish residence within six months after the date of entry, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided*, That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land: *And provided further*, That where there may be climatic reasons, sickness, or other unavoidable cause the Commissioner of the General Land Office may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe."

Approved June 6, 1912. (37 Stat., 123.)

An act of Congress, approved August 24, 1912 (37 Stat., 455), dispensed with the necessity of filing the election provided in the above act.

The act of August 22, 1914 (38 Stat., 704), amendatory of the first proviso to section 2291, Revised Statutes, as amended, reads as follows:

"That the entryman mentioned in section 2291, Revised Statutes of the United States, as amended by the act of June 6, 1912 (37 Stat., 123), upon filing in the local land office notice of the beginning of such absence at his option shall be entitled to a leave of absence in one or two continuous periods not exceeding in the aggregate five months in each year after establishing residence; and upon the termination of such absence, in each period, the entryman shall file a notice of such termination in the local land office; but in case of commutation the 14 months' actual residence, as now required by the law, must be shown, and the person commuting be at the time a citizen of the United States."

(No. 15.)

SETTLEMENT RIGHTS UNDER ENLARGED HOMESTEAD ACTS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three of the act of Congress approved May fourteenth, eighteen hundred and eighty (Twenty-first Statutes, one hundred and forty), be, and the same is hereby, amended by adding thereto the following:

"*Provided*, That any settler upon lands designated by the Secretary of the Interior as subject to the provisions of sections one to five

of the enlarged homestead acts of February nineteenth, nineteen hundred and nine (Thirty-fifth Statutes, six hundred and thirty-nine), and June seventeenth, nineteen hundred and ten (Thirty-sixth Statutes, five hundred and thirty-one), shall be entitled to the preference right of entry accorded by this section, provided he shall have plainly marked the exterior boundaries of the lands claimed as his homestead: *And provided further*, That after the designation by the Secretary of the Interior of public lands for entry under the non-residence provisions of the enlarged homestead acts of February nineteenth, nineteen hundred and nine, and June seventeenth, nineteen hundred and ten, any person who shall have plainly marked the exterior boundaries of the lands claimed under said provisions of law and made valuable improvements thereon shall have a preference right to enter the lands so claimed and improved at any time within three months after the date on which such lands become subject to entry, but such right shall forfeit unless the settler or claimant under the provisions of the enlarged homestead acts shall annually cultivate and improve the lands in the form and manner and to the extent therein required following date of initiation of his claim hereunder."

Approved, August 9, 1912. (37 Stat., 267.)

(No. 16.)

SETTLEMENT PRIOR TO THREE-YEAR HOMESTEAD LAW.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

That any person entitled to enter lands under the homestead law who may have established residence upon unsurveyed lands (which were subject to homestead entry) prior to the passage and approval of the act of June sixth, nineteen hundred and twelve, entitled "An act to amend section twenty-two hundred and ninety-one and section twenty-two hundred and ninety-seven of the Revised Statutes relating to homesteads," may perfect his proof for such lands under said act of June sixth, nineteen hundred and twelve, or under the law existing at the time of the establishment of such residence, as he may elect, such election to be signified to the Department of the Interior in accordance with rules and regulations to be prescribed by the Secretary.

* * * * * * *

Approved March 4, 1913. (37 Stat., 925.)

(No. 17.)

PETITIONS FOR DESIGNATION UNDER ENLARGED HOMESTEAD ACTS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where any person qualified to make entry under the provisions of the act of February nineteenth, nineteen hundred and nine, and acts amendatory thereof and supplemental thereto, shall make application to enter under the provisions of said acts any unappropriated pub

land in any State affected thereby which has not been designated as subject to entry under the act (provided said application is accompanied and supported by properly corroborated affidavit of the applicant in duplicate, showing prima facie that the land applied for is of the character contemplated by said acts), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located, and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character; that during such suspension the land described in said application shall be segregated by the said register and receiver and not subject to entry until the case is disposed of; and if it shall be determined that such land is of the character contemplated by the said acts, then such application shall be allowed; otherwise it shall be rejected, subject to appeal: *Provided*, That the provisions of this act shall apply to the application of a qualified entryman to make additional entry of unappropriated land adjoining his unperfected homestead entry, the area of which, together with his original entry, shall not exceed three hundred and twenty acres.

* * * * *

Approved March 4, 1915. (38 Stat., 1162.)

(No. 18.)

INTERMARRIAGE BETWEEN HOMESTEADERS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the marriage of a homestead entryman to a homestead entrywoman after each shall have fulfilled the requirements of the homestead law for one year next preceding such marriage shall not impair the right of either to a patent, but the husband shall elect, under rules and regulations prescribed by the Secretary of the Interior, on which of the two entries the home shall thereafter be made, and residence thereon by the husband and wife shall constitute a compliance with the residence requirements upon each entry: *Provided*, That the provisions hereof shall apply to existing entries: *Provided further*, That in the administration of this act the terms "entryman" and "entrywoman" shall be construed to include bona fide settlers who have complied with the homestead law for at least one year next preceding such marriage.

Approved March 1, 1921. (41 Stat., 1193.)

(No. 19.)

MARRIAGE OF ENTRYWOMAN WITH ALIEN.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any female citizen of the United States who has initiated a claim to a tract of public land under any of the laws applicable thereto, and who thereafter has complied with all the conditions as to the acquisition of title to such land prescribed by the public-land laws of the United States, shall, notwithstanding her intermarriage with an alien, who is entitled to become a citizen of the United States, be entitled to a certificate or patent to such entry equally as though she had remained unmarried or had married an American citizen.

Approved October 17, 1914. (38 Stat., 740.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman.

SEC. 2. That any woman who marries a citizen of the United States after the passage of this act, or any woman whose husband is naturalized after the passage of this act, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(*a*) No declaration of intention shall be required;

(*b*) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition.

SEC. 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this act, unless she makes a formal renunciation of her citizenship before a court having juridiction over naturalization of aliens: *Provided*, That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States, she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside of the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907. Nothing herein shall be construed to repeal or amend the provisions of Revised Statutes 1999 or of section 2 of the expatriation act of 1907 with reference to expatriation.

SEC. 4. That a woman who, before the passage of this act, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided by section [illegible] of this act: *Provided*, That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the same citizenship status as if her marriage had taken place after the passage of this act.

SEC. 5. That no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status.

SEC. 6. That section 1994 of the Revised Statutes and section 4 of the expatriation act of 1907 are repealed. [illegible] repeal shall not

terminate citizenship acquired or retained under either of such sections nor restore citizenship lost under section 4 of the expatriation act of 1907.

SEC. 7. That section 3 of the expatriation act of 1907 is repealed. Such repeal shall not restore citizenship lost under such section nor terminate citizenship resumed under such section. A woman who has resumed under such section citizenship lost by marriage shall, upon the passage of this act, have for all purposes the same citizenship status as immediately preceding her marriage.

Approved September 22, 1922. (42 Stat., 1021.)

(No. 20.)

PROOF BY DESERTED WIFE OF ENTRYMAN.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which persons have regularly initiated claims to public lands as settlers thereon under the provisions of the homestead laws and the wife of such homestead settler or entryman, while residing upon the homestead claim and prior to submission of final proof of residence, cultivation, and improvement as prescribed by law, has been abandoned and deserted by her husband for a period of more than one year, the deserted wife shall, upon establishing the fact of such abandonment or desertion to the satisfaction of the Secretary of the Interior, be entitled to submit proof upon such claim and obtain patent therefor in her name in the form, manner, and subject to the conditions prescribed in section twenty-two hundred and ninety-one of the Revised Statutes of the United States and acts supplemental thereto and amendatory thereof: *Provided*, That in such cases the wife shall be required to show residence upon, cultivation, and improvement of the homestead by herself for such time as when, added to the time during which her husband prior to desertion had complied with the law, would aggregate the full amount of residence, improvement, and cultivation required by law: *And provided further*, That the published and posted notices of intention to submit final proof in such cases shall recite the fact that the proof is to be offered and patent sought by applicant as a deserted wife, and prior to its submission notice thereof shall be served upon the husband of the applicant in such a manner and under such rules and regulations as the Secretary of the Interior shall prescribe.

Approved October 22, 1914. (38 Stat., 766.)

(No. 21.)

MILITARY SERVICE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in every case in which a settler on the public land of the United States under the homestead laws enlists or is actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine during the existing war with Spain, or during any other war in which the United States may be engaged, his services therein shall, in the administration of the homestead laws, be construed to be equivalent to all intents and purposes to residence a cultivation for the same length of time upon the tract entered settled upon; and hereafter no contest shall be initiated on the grou of abandonment, nor allegation of abandonment sustained agai any such settler, unless it shall be alleged in the preliminary affida or affidavits of contest, and proved at the hearing in cases hereaft initiated, that the settler's alleged absence from the land was not d to his employment in such service: *Provided*, That if such sett shall be discharged on account of wounds received or disabili incurred in the line of duty, then the term of his enlistment shall deducted from the required length of residence without reference the time of actual service: *Provided further*, That no patent sha issue to any homestead settler who has not resided upon, improve and cultivated his homestead for a period of at least one year aft he shall have commenced his improvements.

Approved June 16, 1898. (30 Stat., 473.)

Be it resolved by the Senate and House of Representatives of t United States of America in Congress assembled, That the provisio of the act approved June sixteenth, eighteen hundred and ninet eight, chapter four hundred and fifty-eight (Thirtieth Statutes, pag four hundred and seventy-three), shall be applicable in all cases c military service rendered in connection with operations in Mexic or along the borders thereof, or in mobilization camps elsewher whether such service be in the military or naval organization of t United States or the National Guard of the several States now hereafter in the service of the United States.

Approved August 29, 1916. (39 Stat., 670.)

Be it enacted by the Senate and House of Representatives of t United States of America in Congress assembled, That any sett upon the public lands of the United States, or any entryman who application has been allowed, or any person who has made applic tion for pulic lands which thereafter may be allowed under the hom stead laws, who, after such settlement, entry, or application, enlis or is actually engaged in the military or naval service of the Unite States as a private soldier, officer, seaman, marine, national guard man, or member of any other organization for offense or defen authorized by Congress during any war in which the United Stat may be engaged, shall, in the administration of the homestead law have his services therein construed to be equivalent to all intents a purposes to residence and cultivation for the same length of tim upon the tract entered or settled upon; and hereafter no conte shall be initiated on the ground of abandonment, nor allegation abandonment sustained against any such settler, entryman, or perso unless it shall be alleged in the preliminary affidavit or affidavi of contest and proved at the hearing in cases hereinafter initiate that the alleged absence from the land was not due to his emplo ment in such military or naval service; that if he shall be discharge on account of wounds received or disability incurred in the line o duty, then the term of his enlistment shall be deducted from the r quired length of residence, without reference to the time of actu service: *Provided*, That no patent shall issue to any homestead sett

who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

SEC. 2. That any settler upon the public lands of the United States, or any entryman whose application has been allowed, or any person who has made application for public lands which thereafter may be allowed under the homestead laws, who dies while actually engaged in the military or naval service of the United States, as a private soldier, officer, seaman, marine, National Gardsman, or member of any other organization for offense or defense authorized by Congress during any war in which the United States may be engaged, then his widow, if unmarried, or in case of her death or marriage, his minor orphan children, or his or their legal representatives, may proceed forthwith to make final proof upon such entry or application thereafter allowed, and shall be entitled to receive Government patent for such land; and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead.

Approved July 28, 1917. (40 Stat., 248.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the conditions therein expressed, as to length of service and honorable discharge, the provisions of sections twenty-three hundred and four and twenty-three hundred and five, Revised Statutes of the United States, shall be applicable in all cases of military and naval service rendered in connection with the Mexican border operations or during the war with Germany and its allies as defined by public resolution numbered thirty-two, approved August twenty-ninth, nineteen hundred and sixteen (Thirty-ninth Statutes at Large, page six hundred and seventy-one), and the act approved July twenty-eighth, nineteen hundred and seventeen (Fortieth Statutes at Large, page two hundred and forty-eight).

Approved February 25, 1919. (40 Stat., 1153.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person who, after discharge from the military or naval service of the United States during the war against Germany and its allies, is furnished any course of vocational rehabilitation under the terms of the vocational rehabilitation act approved June 27, 1918, upon the ground that he comes within article 3 of the act of October 6, 1917 (40 Stat., 398), and who before entering upon such course shall have made entry upon or application for public lands of the United States under the homestead laws, or who has settled or shall hereafter settle upon public lands, shall be entitled to a leave of absence from his land for the purpose of undergoing training by the Federal Board for Vocational Education, and such absence, while actually engaged in such training shall be counted as constructive residence: *Provided*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

Approved September 29, 1919. (41 Stat., 288.)

Be it enacted by the Senate and House of Representatives of United States of America in Congress assembled, That any sett or entryman under the homestead laws of the United States, w after settlement, application, or entry and prior to November eleven nineteen hundred and eighteen, enlisted or was actually engag in the United States Army, Navy, or Marine Corps during the w with Germany, who has been honorably discharged and because physical incapacities due to service is unable to return to the la may make proof, without further residence, improvement, or culti tion, at such time and place as may be authorized by the Secretary the Interior, and receive patent to the land by him so entered settled upon: *Provided*, That no such patent shall issue prior to t survey of the land.

Approved March 1, 1921. (41 Stat., 1202.)

Be it enacted by the Senate and House of Representatives of United States of America in Congress assembled, That the pro sions of section 2305, Revised Statutes of the United States, amended by the act of February 25, 1919 (Fortieth Statutes, p 1161), so far as applicable to those discharged from the military naval service because of wounds received or disability incur therein, be, and the same are hereby, extended to those regula discharged from such service and subsequently awarded compen tion by the Government for wounds received or disability incur in the line of duty.

SEC. 2. That the provisions of the act of September 29, 1 (Forty-first Statutes, page 288), entitled "An Act to authorize sence by homestead settlers and entrymen, and for other purpose be, and they are hereby, extended to those who, after dischar from the military or naval service of the United States, are f nished treatment by the Government for wounds received or di bility incurred in line of duty.

Approved April 6, 1922 (42 Stat. 491).

Be it enaacted by the Senate and House of Representatives of United States of America in Congress assembled, That in the case the death of any person who would be entitled to a homestead un the provisions of the act of Congress approved February 25, 1 (Fortieth Statutes at Large, page 1161), entitled "An act to exte the provisions of the homestead laws touching credit for per of enlistment to the soldiers, nurses, and officers of the Army a the seamen, marines, nurses, and officers of the Navy and the Mar Corps of the United States, who have served or will have ser with the Mexican border operations or during the war between United States and Germany and her allies," his widow, if unm ried and otherwise qualified, may make entry of public lands un the provisions of the homestead laws of the United States and sh be entitled to all the benefits enumerated in said act subject to provisions and requirements as to settlement, residence, and impro ment therein contained: *Provided*, That in the event of the de of such homestead entrywoman prior to perfection of title, leavi only a minor child or children, patent shall issue to said minor ch or children upon proof of death, and of the minority of the ch or children, without further showing or compliance with law.

Approved September 21, 1922 (42 Stat. 990).

Public Resolution No. 79, Sixty-seventh Congress, approved December 28, 1922 (42 Stat., 1067), provides:

"That the provisions of the act of Congress of February 25, 1919, allowing credit for military service during the war with Germany in homestead entries, and of Public Resolution Numbered 29, approved February 14, 1920, allowing a preferred right of entry for at least 60 days after the date of opening in connection with lands opened or restored to entry, be, and the same are hereby, extended to apply to those citizens of the United States who served with the allied armies during the World War, and who were honorably discharged upon their resumption of citizenship in the United States, provided the service with the allied armies shall be similar to the service with the Army of the United States for which recognition is granted in the act and resolution herein referred to."

O

In reply please refer to Circular No.543.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington April 13, 1917.

Amendment to Circular No. 164.
Action on application to contest.

Registers and Receivers,

U. S. Land Offices.

Gentlemen:

Paragraph 4 of Circular No. 164, dated September 12, 1912, containing instructions as to action on applications to contest is hereby amended to read as follows:

> "In those cases where an application to contest is filed involving an entry against which adverse proceedings have been directed by this office under circular of February 26, 1916 (44 L. D., 572), no decision should be made by you as to the allowance or disallowance of the application, but the original should be forwarded to this office where it will be held pending the final determination of the Government proceedings against the entry, and a copy thereof should be forwarded to the Chief of Field Division."

Very respectfully,

C. M. BRUCE,

Acting Commissioner.

FORT PECK INDIAN LANDS—TIME FOR PAYMENT EXTENDED—ACT OF MARCH 2, 1917 (39 Stat., 994).

INSTRUCTIONS.

[Circular No. 544.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 13, 1917.

REGISTER AND RECEIVER,
U. S. LAND OFFICE, GLASGOW, MONTANA:

Your attention is directed to section 1 of the act of Congress of March 2, 1917 (39 Stat., 994), which provides: That any person who has made or shall make homestead entry under the Act approved May thirtieth, nineteen hundred and eight (Thirty-fifth Statutes, page five hundred and fifty-eight), entitled "An Act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," may obtain extensions of time within which to pay one-half of any installments of purchase money, which have become due and are unpaid or which will hereafter become due by paying to the register and receiver of the land office for the district in which the lands are situated interest in advance on the amounts due for the period of the desired extension at the rate of five per centum per annum, and any payment so extended may at its maturity be again extended in like manner: *Provided*, That payment of interest on installments now due must be made in order to secure the extension; interest payments must hereafter be made annually before the maturity of the payments to be extended, and no payment will be postponed for more than eight years from the date of entry nor will any extension be made for less than one year: *Provided further*, that if commutation proof is submitted all the unpaid payments must be made at that time.

2. The first entries for the lands, opened under the act of May 30, 1908, were made in May, 1914; under its provisions each homesteader was required to pay one-fifth of the appraised price of a tract at the time of filing application therefor, the balance being payable in five equal installments due respectively in one, two, three, four and five years after the date of the entry, without interest. Under the present act an extension may be secured as to one-half of each installment, on all entries heretofore made and which may hereafter be made.

3. The act provides that no extension shall be made for less than one year and clearly contemplates that interest and installment periods shall coincide. In order that all entrymen may have due notice

of this act, compliance with its provisions will not be insisted upon until November 1, 1917. On or before that date, any homesteader who is then in default in any installment payment or payments, must either pay the amounts due in full, without interest, under the provisions of the act of May 30, 1908 (35 Stat., 558), or he may pay interest at the rate of five per cent per annum on all moneys due prior to November 1, 1917, from date of maturity to the date when the next installment after November 1, 1917, is due on his entry. Should he fail to do one of these things on or before the date named, his entry will be canceled without further notice.

On or before the date when the next installment after November 1, 1917, falls due, at least one-half of the moneys past due and one-half of the installment then due must be paid, as well as five per cent interest on the half of any installment or installments for which extension of payment is desired, as advance interest on such deferred payments for one year.

4. As each succeeding installment falls due, the homesteader, instead of paying the amount in full, may pay one-half thereof and five per cent on the other half as interest for the next twelve months. Moreover, any half installment which has been extended may be extended for additional years by payment of five per cent thereon each year, as interest in advance.

5. No payment can be extended for a time longer than eight years from the date of the entry, and proof may be submitted within that period, provided the requirements of the law as to payments are complied with.

6. No special form of application for extension of time to make payment will be required; the payment of the required sums will be sufficient and the Receiver will note upon the receipts and on the abstracts of collections the nature and purpose of the payment.

7. If compliance with the provisions of the act of May 30, 1908, and of the present act as to payments be continued, three-year or five-year proof on an entry may be submitted without the necessity of paying for the land in full. Such proof will be accepted by you if satisfactory, subject to the payment of the unpaid portions of the purchase price, but final certificate will not issue until full payment is made; and the proof will be accepted by this office on the same conditions if found satisfactory. After acceptance of such proof, the claim is subject to transfer, and you will issue all notices in connection with the case not only to the entryman, but to the transferee, provided notice of the transfer be duly filed in your office, but when payment in full is made, final certificate will issue in the name of the entryman.

8. If commutation proof be submitted, payment of the price of the land in full must be made.

9. The act of March 2, 1917, makes no change in the requirements as to entries made under the provisions of the reclamation act, except as to the extension of the payments of the price of the land, hereinbefore discussed.

10. You will forward copies of these instructions to all homesteaders for these lands who are in arrears as to one or more installments, and to their transferees (if there be any), advising them that, in order to secure the benefits of the act, they must comply with its requirements as herein explained, by November 1, 1917.

C. M. BRUCE,
Acting Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

[CIRCULAR NO. 547.]

DISPOSITION OF SURPLUS COAL LANDS RESTORED FROM INDIAN RESERVATIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, April 16, 1917.

Registers and receivers, United States land offices.

SIRS: Attention is directed to the act of Congress approved February 27, 1917 (Public, No. 358), entitled "An act to authorize agricultural entries on surplus coal lands in Indian reservations," copy of which is appended hereto.

With the exception of the lands of the Five Civilized Tribes, the act applies to all Indian reservations that have been or which may be hereafter restored where the surplus lands are or may be divided into mineral and nonmineral classes.

It recognizes that such surplus coal lands have two distinct values, coal and nonmineral or agricultural. It provides for the disposition of the two estates therein created, the coal desposits and the nonmineral, and directs that the proceeds derived from both be placed to the credit of the Indians in the manner provided for other surplus lands. But while the estates may be so separated, no sale of the coal deposits only may be made in advance of the disposition of the nonmineral estate. It does not extend the coal-land laws to areas not otherwise subject thereto, except to permit of the purchase of the coal deposits where the lands have been disposed of under the act with a reservation of such deposits, and then only where the coal-land laws shall have been extended to such areas at the time of such coal purchase. It does not repeal or modify the coal-land laws where otherwise applicable, nor prevent the acquisition of both estates thereunder, but in providing for the disposition of the two estates and in directing the payment to the Indians of the proceeds arising from each, it necessarily contemplates that if the coal-land purchaser precede the agricultural applicant and thus secure title to both estates, he must pay for each at the prices fixed for the respective estates.

Where the law providing for the separation of the lands into mineral and nonmineral classes placed a flat price on the nonmineral lands or authorized the disposal of such lands at a general price which has been so fixed, this act does not require a specific tract appraisal of the coal lands to be disposed of thereunder with a reservation of the coal deposits and in all such cases the nonmineral or agricultural estate may be disposed of at the prices so fixed for the nonmineral lands. Where the law requires that the nonmineral lands shall be separated into further classes and appraised either by tracts or by such groups, no disposition of the coal lands in such reservation may

be made either under this act or under the coal-land laws until such surplus lands have been separated into classes and appraised as to their value exclusive of the coal deposits in the manner provided for nonmineral lands, and in such cases the act has the effect of withdrawing from entry under the coal-land laws the coal lands in such reservations until such coal lands shall have been appraised without reference to the coal deposits in the manner provided for the nonmineral lands.

If the nonmineral lands and the coal lands with the reservation of the coal deposits be withdrawn from other disposition for the purpose of sale, no entry under the coal-land laws may be allowed therefor until such lands shall have been sold with the reservation of such deposits or restored. The coal deposits in lands sold or otherwise disposed of with a reservation of the coal, if otherwise subject to disposition, may be purchased under the coal-land laws at prices fixed thereunder, and if any of the coal lands so withdrawn for sale shall be restored unsold, both estates may be purchased under the coal-land laws upon the payment of the nonmineral and coal prices.

If, under the law authorizing the disposal of the nonmineral lands, a proclamation of the President or order of the Secretary is required before the restoration can take effect, the coal lands with the reservation of the coal deposits will not become subject to disposal under the provisions of this act until so restored.

Very respectfully,

C. M. BRUCE,
Acting Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

[PUBLIC—NO. 358—64TH CONGRESS.]

[S. 40.]

An Act To authorize agricultural entries on surplus coal lands in Indian reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any Indian reservation heretofore or hereafter opened to settlement and entry pursuant to a classification of the surplus lands therein as mineral and nonmineral, such surplus lands not otherwise reserved or disposed of, which have been or may be withdrawn or classified as coal lands or are valuable for coal deposits, shall be subject to the same disposition as is or may be prescribed by law for the nonmineral lands in such reservation whenever proper application shall be made with a view of obtaining title to such lands, with a reservation to the United States of the coal deposits therein and of the right to prospect for, mine, and remove the same: *Provided,* That such surplus lands, prior to any disposition hereunder, shall be examined, separated into classes the same as are the nonmineral lands in such reservations, and appraised as to their value, exclusive of the coal deposits therein, under such rules and regulations as shall be prescribed by the Secretary of the Interior for that purpose.

SEC. 2. That any applicant for such lands shall state in his application that the same is made in accordance with and subject to the

provisions and reservations of this Act, and upon submission of satisfactory proof of full compliance with the provisions of law under which application or entry is made and of this Act shall be entitled to a patent to the lands applied for and entered by him, which patent shall contain a reservation to the United States of all the coal deposits in the lands so patented, together with the right to prospect for, mine, and remove the same.

SEC. 3. That if the coal-land laws have been or shall be extended over lands applied for, entered, or patented hereunder the coal deposits therein shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal. Any person qualified to acquire coal deposits or the right to mine and remove the coal under the laws of the United States shall have the right at all times to enter upon the lands applied for, entered, or patented under this Act for the purpose of prospecting for coal thereon, if such coal deposits are then subject to disposition, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal deposits in any such lands, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal therefrom, and mine and remove the coal, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That the owner under such limited patent shall have the right to mine coal for personal use upon the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: *Provided, further*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications made under the applicable land laws of the United States for any such surplus lands which have been or may be classified as coal lands with a view of disproving such classification and securing a patent without reservation.

SEC. 4. That the net proceeds derived from the sale and entry of such surplus lands in conformity with the provisions of this Act shall be paid into the Treasury of the United States to the credit of the same fund under the same conditions and limitations as are or may be prescribed by law for the disposition of the proceeds arising from the disposal of other surplus lands in such Indian reservation: *Provided*, That the provisions of this Act shall not apply to the lands of the Five Civilized Tribes of Indians in Oklahoma.

Approved, February 27, 1917.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1917

ADJUSTMENT OF CONFLICTING CLAIMS TO NORTHERN PACIFIC RAILWAY LANDS IN WASHINGTON—ACT OF FEB. 27, 1917.

INSTRUCTIONS.

[Circular No. 548.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 28, 1917.

REGISTERS AND RECEIVERS,
U. S. LAND OFFICES AT NORTH YAKIMA, SEATTLE, SPOKANE, VANCOUVER, WALLA WALLA, AND WATERVILLE, WASHINGTON:

Appended hereto is a copy of the act of Congress approved February 27, 1917 (39 Stat., 946), providing relief for certain settlers on unsurveyed lands of the Northern Pacific Railway Company in the State of Washington. In order that the purposes of said act might be carried out without interference with the vested rights of the railway company and that the proper demands of the Department upon the company under the act might be mandatory, as under the general provisions of the act of July 1, 1898 (30 Stat., 597, 620), the company was on March 15, 1917, requested to accept the act and consent to its provisions. Under date of April 2, 1917, the company declined to accept the provisions of the act. The company having thus refused to give its consent to the provisions of the act, the De-

partment can not compel it to relinquish or reconvey its lands in favor of settlers, as is done under the general provisions of the said act of July 1, 1898, where the company waived its rights by its written acceptance of the said act.

However, a settler claiming the benefits of the said act of February 27, 1917, may file in the proper local office proof of the existence and maintenance of his claim and an election to hold or relinquish the land embraced therein. Such proof and election may be made on Form 4–381, modified where necessary to conform to the requirements of the act. If the settler elects to retain the lands claimed by him and his proof shows that his claim comes within the provisions of the act, this office will request the railway company to relinquish or reconvey the lands to the United States. Should the company relinquish or reconvey, the settler will be permitted to make entry of the lands and the company will be authorized to select other lands in lieu thereof in accordance with the provisions of the act. Should the company decline to relinquish or reconvey the lands involved the settler's only remedy will be to surrender the lands and transfer his claim to other lands. Upon receipt of the company's refusal to relinquish or reconvey, the settler will be notified thereof and accorded the privilege of relinquishing the lands and transferring his claim to other lands in accordance with the provisions of the act of July 1, 1898.

If, on the other hand, the settler in the first instance accompanies his proof of the existence and maintenance of his claim with his relinquishment of the lands settled upon by him and a request for the transfer of his claim to other lands, or in case he does so after notice of the refusal of the company to relinquish or reconvey as outlined in the preceding paragraph, this office will, if the proof is satisfactory, authorize the transfer of the settler's claim to other lands, after which he may make a lieu selection and perfect same in accordance with existing regulations under the act of July 1, 1898.

In those cases where the railway company has already been requested to relinquish the lands claimed by the settler under the special provisions of the act of July 1, 1898, and it has refused to do so, it would be useless to request it to relinquish or reconvey them under the said act of February 27, 1917. Manifestly it would be a waste of time and effort for settlers in this class of cases to elect to retain the lands settled upon by them. In this class of cases, therefore, the settler should file with his proof a relinquishment of the lands settled upon by him, together with a request for the transfer of his claim to other lands.

The regulations under the act of July 1, 1898 (28 L. D., 103), will govern so far as applicable in cases arising under the said act of February 27, 1917, except in such matters as are specifically covered by the instructions contained herein.

CLAY TALLMAN,
Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

CIRCULAR No. 549.

RULE 94 OF PRACTICE AMENDED.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C., *May 3, 1917.*

Registers and Receivers, United States Land Offices.

SIRS: Under date of April 30, 1917, the First Assistant Secretary of the Interior amended Rule 94 of Practice to read as follows:

Fifteen days, exclusive of the day of mailing, will be allowed for the transmission of notice or other papers by mail from the General Land Office, except in case of notice to resident attorneys, in which case one day will be allowed.

In computing time for service of papers under these rules of practice the first day shall be excluded and the last day included: *Provided,* That where the last day is a Sunday, a legal holiday, or half holiday such time shall include the next full business day.

Very respectfully,

D. K. PARROTT,
Acting Assistant Commissioner.

100107°—17

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1917

552

DEPARTMENT OF THE INTERIOR

General Land Office.

Circular No.552 Washington June 13, 1917.

ACCOUNTS: Work reports.

Registers and Receivers,
United States Land Offices.

Sirs:

The work reports submitted to this office indicate the necessity of a standardization thereof in order that the report may be fully utilized by this office.

The following rules are therefore provided for your use and should be followed by you in the preparation of your report on form-4-386.

The columns from left to right are numbered in consecutive order for the sake of brevity and identification as follows:

1, "Pending beginning of month"; 2, "Received"; 3, "Total"; 4, "Transmitted on appeal"; 5, "Transmitted otherwise"; 6, "Referred to the Chief Field Division"; 7, "Total"; 8, "Allowed"; 9, "Rejected"; 10, "Suspended for cause"; 11, "Notices for publication issued"; 12, "No action taken"; and 13, "Pending end of month".

Column number 1 must show under each class of applications, proofs, etc. the number of each class pending at the end of the month immediately preceding that being reported upon by you.

If this number has not been heretofore determined it must now be ascertained by an actual inventory of cases on hand at the end of the present month.

Column number 2 must show all cases received within the month. Cases referred to this office and the chief of a field division, when returned to your office, must be accounted as received.

Column number 3 must be the total of cases reported in columns numbers 1 and 2.

Column number 4 must show the cases rejected and transmitted to this office on appeal.

Column number 5 must show all other cases transmitted to this office within the month of the report as "allowed", "rejected - unappealed", "contests appealed", or "referred".

Column number 6 must show the cases referred to a chief of field division. Timber and stone sworn statements will be accounted for under this head and the duplication thereof ignored when the same action is taken at the same time by forwarding a copy of same to this office.

Column 7 must show the total of columns 4, 5, and 6, and said total (7) must be deducted from the total shown in column 3 and the remainder set out in column 13.

The cases shown in column number 13 at the end of a month must be carried forward to column number 1 of the succeeding month.

Correction of errors must not be attempted by changes in the figures set forth in columns numbered 1 and 13, but the corrective entries should be accomplished by adding to the actual figures of cases received (column 2) if it is desired to add to the number of cases on hand at the end of a month, and, if a reduction of cases on hand at the end of a month is desired by you, it must be done by making a corrective entry under column 4, 5 or 6. The corrective entries must be plainly marked "correction" and interlined in the class affected thereby and consolidated with the correct figures when taken into columns 3 and 7. The correct figures to be recorded on the ruled lines.

Columns 8 to 12, inclusive, must show the actual number of cases "allowed", "rejected", "suspended for cause", "notices for publication issued", and "no action taken", whether or not the cases have or have not been accounted for under columns 4 to 8 inclusive, which last columns must show only the cases which have actually left your office. Columns 8 to 12 inclusive in no way affect the total shown as pending at the end of a month in column 13.

All patents delivered during a month must be set out in column 5 instead of column 8 as shown by the foot-note, a.

Each column of a monthly report must be added and the grand total noted underneath the proper column on the last blank ruled line.

The total of columns 1, 3, 7 and 13 should be verified to prove the correctness of the report by substracting from column 3 the total of column 7 to show the total of column 13.

Timber and stone sworn statements will be noted under the caption "Applications" on a line with the title "Timber and stone" and not under the title "For timber and stone entry" under the same general classification.

You are directed to immediately acknowledge the receipt of these instructions on the inclosed postal card.

Very respectfully,

CLAY TALLMAN

Commissioner.

APPROVED:

ALEXANDER T. VOGELSANG,

First Assistant Secretary.

AMENDING PROCEDURE FOR FORFEITURE OF LOTS UNDER ALASKAN RAILROAD TOWN-SITE REGULATIONS.

CIRCULAR No. 554.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 22, 1917.

Circular No. 458, dated February 16, 1916, being the rules of procedure to govern the forfeiture of lots under the Alaskan railroad town-site regulations, is hereby amended as follows:

The notice provided for by paragraph 3 must be prepared in quadruplicate, the fourth copy to be forwarded to the Land and Industrial Department of the Alaskan Engineering Commission.

Paragraph 14 is revoked.

Paragraphs 15 and 16 are renumbered 14 and 15, respectively, and the latter amended to read as follows:

The Alaskan Engineering Commission will make all needful rules and regulations covering the period prescribed by the town-site regulations for the improvement of streets, sidewalks, and alleys, the promotion of sanitation and fire protection or other municipal improvements, and said commission is further authorized to levy and collect such assessments as may be necessary in the premises. If any claimant shall fail to comply with such regulations and requirements, all the facts in each case shall be reported to the Chief of Field Division, who will then proceed in accordance with the instructions contained hereinbefore. If any claimant shall fail to pay any and all assessments as required by the Alaskan Engineering Commission, the case will be reported to the Commissioner of the General Land Office, with a complete statement of the proceedings had, for submission to the Secretary of the Interior, who, after such notice as he may deem proper, will declare a forfeiture of the lot involved or make such other disposition of the case as the record may warrant.

Notice of delinquency in the payment of assessments will be given by the Alaskan Engineering Commission to the Register and Receiver of the United States Land Office within whose jurisdiction the lot or tract involved is situated for notation upon their records and transmission to the Commissioner of the General Land Office, and such notice will operate as a caveat against the issuance of patent or other evidence of title until the same is finally disposed of.

CLAY TALLMAN, *Commissioner.*

Approved, June 22, 1917.

FRANKLIN K. LANE, *Secretary.*

CIRCULAR No. 557

Obsolete
see 1738

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

UNITED STATES
COAL-LAND LAWS

(EXCLUSIVE OF ALASKA)

AND

REGULATIONS THEREUNDER

(APPROVED JULY 7, 1917)

INCLUDING, ALSO, CERTAIN LEGISLATION PERTAINING TO NONMINERAL ENTRIES OF COAL LANDS WITH A RESERVATION OF THE COAL DEPOSITS TO THE GOVERNMENT, AND THE SALE OF THE RESERVED COAL DEPOSITS

WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

COAL-LAND LAWS AND REGULATIONS THEREUNDER.

NOTE: All laws and provisions relating exclusively to coal lands in the Territory of Alaska have been omitted from this circular for the reason that the Alaska coal land leasing circular of May 18, 1916, as amended, fully covers the field.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., July 7, 1917.

The following coal-land laws relating to the public-land States, together with the rules and regulations as now applicable, are herewith published for the instruction of the local land officers and the information of intending applicants. All rules and regulations in conflict herewith heretofore issued under said laws are hereby abrogated.

PART I.

TITLE XXXII, CHAPTER SIX, REVISED STATUTES.

MINERAL LANDS AND MINING RESOURCES.

Entry of coal lands, 3 March, 1873, c. 279 s. 1, v. 17, p. 607.

SEC. 2347. Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the receiver of not less than ten dollars per acre for such lands where the same shall be situated more than fifteen miles from any completed railroad, and not less than twenty dollars per acre for such lands as shall be within fifteen miles of such road.

Preemption of coal lands. Ibid., s. 2.

SEC. 2348. Any person or association of persons severally qualified, as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry, under the preceding section, of the mines so opened and improved: *Provided*, That when any association of not less than four persons, severally qualified as above provided, shall have expended not less than five thousand dollars in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements.

Preemption claims of coal land to be presented within sixty days, &c. Ibid., s. 3.

SEC. 2349. All claims under the preceding section must be presented to the register of the proper land district within sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement therefor; but when the township plat is not on file at the date of such improvement, filing must be made within sixty days from the receipt of such plat at the district office; and where the improvements shall have been made prior to the expiration of three months from the third day of March, eighteen hundred and seventy-three, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement, and no sale under the provisions of this section shall be allowed until the expiration of six months from the third day of March, eighteen hundred and seventy-three.

Only one entry allowed. Ibid., s. 4.

SEC. 2350. The three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such sections shall enter or hold any other lands under their provisions; and all persons claiming under section twenty-three hundred and forty-eight shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

Conflicting claim. Ibid., s. 5.

SEC. 2351. In case of conflicting claims upon coal-lands where the improvements shall be commenced, after the third day of March, eighteen hundred and seventy-three, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference-right to purchase. And also where improvements have already been made prior to the third day of March, eighteen hundred and seventy-three, division of the land claimed may be made by legal subdivisions, to include, as near as may be, the valuable improvements of the respective parties. The Commissioner of the General Land Office is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and the four preceding sections.

Rights reserved. Ibid., s. 6.

SEC. 2352. Nothing in the five preceding sections shall be construed to destroy or impair any rights which may have attached prior to the third day of March, eighteen hundred and seventy-three, or to authorize the sale of lands valuable for mines of gold, silver, or copper.

RULES AND REGULATIONS.

1. The sale of coal lands is provided for—

(*a*) By ordinary *cash entry* under section 2347;

(*b*) By *cash entry* under a *preference* right to purchase acquired by compliance with the provisions of section 2348.

2. Coal lands may be entered only after survey and by legal subdivisions. The lands must be vacant and unappropriated coal lands of the United States, unreserved, unwithdrawn, and must contain workable deposits of coal and must not be valuable for mines of gold, silver, or copper. Lands containing lignites are included under the term "coal lands."

3. Entry by an individual may be made only by a person above the age of 21 years who is a citizen of the United States or has declared his intention to become such, and shall not embrace more than 160 acres. Entry by an association of persons may embrace 320 acres, but each person composing the association must be qualified as in the case of an individual entryman. A corporation is held to be an association under the provisions of the coal-land law.

A married woman may make entry if the laws of the State in which she applies permit married women to purchase and hold for themselves real estate; but she must make the entry for her own benefit, and not in the interest of her husband or any other person, and she will be required, in addition to the other affidavits required herein, to show, by affidavit, whether she is single or married, and, if married, that the purchase price is furnished from her own separate funds in which her husband has no interest.

4. When an association of not less than four persons, severally qualified as required in the case of an individual entryman, shall have expended not less than $5,000 in working and improving a mine or mines of coal upon the public lands, such association may enter not exceeding 640 acres, including such mining improvements.

5. But one entry of coal lands by any person or association of persons is allowed by the law. No person who, and no association any member of which, either as an individual or as a member of an association, shall have had the benefits of the law may enter or hold any other coal lands thereunder. The right so to enter or hold is exhausted whether an entry embraces in any instance the maximum area allowed by the law or less; also by the acquisition of a preference right of entry unless sufficient cause for the abandonment thereof is shown. Assignment of a preference right of entry under section 2348, Revised Statutes, has not been recognized since April 12, 1907.

6. (*a*) Coal withdrawals, and all withdrawals under the withdrawal act of June 25, 1910 (36 Stat. L., 847), as

amended by the act of August 24, 1912 (37 Stat. L., 497), prohibit the allowance of coal filings, applications, and entries while the withdrawals are outstanding. No preference or other right under the provisions of sections 2347–2352, inclusive, United States Revised Statutes, may be initiated or acquired on withdrawn coal lands or lands withdrawn under the provisions of said withdrawal act, subsequent to their withdrawal and prior to their restoration to coal-land entry.

(*b*) An Executive order of withdrawal is operative immediately at the time it is signed by the President.

(*c*) With reference, first, to cases where qualified persons or associations of qualified persons legally and in good faith went into possession of and opened and improved coal mines on the public domain within less than 60 days preceding the date when the lands upon which such mines are situated were withdrawn from coal entry or otherwise withdrawn under said withdrawal act and who have not filed coal declaratory statements; and, second, to cases where qualified persons or associations of qualified persons in good faith filed coal declaratory statements in the proper local land office prior to the date on which the lands covered thereby were withdrawn from coal entry or otherwise withdrawn under said withdrawal act and who, in consequence of such withdrawal orders, have thereby not been permitted to proceed to entry within the preference period, it is to be observed that said withdrawal act and withdrawals made thereunder make no provision whatever for the protection of or passing to patent of any coal-land claim, filing, or application; hence, before such persons in said cases, and other similar cases, may proceed to obtain title, it will be necessary to modify the withdrawal order.

In all these cases your procedure will be to receive, give proper serial numbers to and suspend the offered coal filings or applications and forward same, together with showing in support thereof, to the General Land Office, by special letter, and your report and recommendation thereon, whereupon said office will consider the same with a view of reporting to the Department the advisability of recommending that the President modify the outstanding withdrawal order, to the extent of the land involved and only for the purpose of permitting the specified claimants to proceed to entry. In these cases such claimants will, if duly qualified and in the absence of other objections, be permitted upon modification of the withdrawal to purchase at the price existent at the date of the opening and improving of the mine of coal; subject, of course, and in proper cases, to the provisions of the law with reference to the distance of the land from a completed railroad at date of application and payment, and upon the further condition that the claimant or claimants diligently prosecute his, its or their claim to

completion within the time required by law and regulations.

The showing in support of the coal claimant's equities must be in duplicate, under oath and made by the claimant and such other individuals as are personally conversant with all of the facts in the case; be full and complete in every particular and should contain sufficient data to enable representatives of the Government to confirm the same by examination in the field and also enable the proper officers of the Government in Washington, D. C., to determine whether the case made by the claimant or claimants is such as to entitle him or them to favorable consideration, as hereinabove set forth.

(*d*) Information by means of schedules or diagrams, or both, will be furnished registers and receivers by the Commissioner of the General Land Office of the price at which all coal lands in their respective districts may be entered under the coal-land laws.

(*e*) Until the register and receiver at the proper local land office are in receipt of the *coal classification and appraisal*, (preliminarily to which, generally, the lands are withdrawn under said act of June 25, 1910, as amended by said act of August 24, 1912, from coal filings, applications, and entries, although occasionally lands are classified without withdrawal, in which case the classification, or classification and appraisal, when made, occupies, so far as concerns proceedings under the coal-land laws, the same status as lands classified and appraised after withdrawal), *accompanied by notice of the Executive order of restoration*, they are not authorized to allow any coal filings, applications or entries for lands covered by Executive withdrawals, and if any such filings are presented they should be rejected outright, subject to the usual right of appeal.

(*f*) Lands classified as coal lands, appraised and restored to filing and entry, are, *after* the proper local land officers have been duly notified thereof and in the absence of other objection, subject to sale, under the coal-land law (entry, under nonmineral land laws of designated classes, of lands withdrawn or classified as coal lands, or valuable for coal, being permitted at any time prior to application therefor under the coal-land laws where the nonmineral entryman makes such entry with a reservation to the Government of the title to the coal deposits within the entered premises—see Addenda—in which event the coal deposits only may be entered, provided, always, that such coal deposits have then been restored to disposition under the coal-land laws and the regulations in force), at the appraised (or, if reappraised, at the reappraised) price, unless shown by the applicant to be of such character as to be subject to entry under some other law; *except*, that when lands which were, at the time of appraisal, more than 15 miles from a railroad are brought within the 15-mile limit by the beginning of

operation of a new road, all values given in the original appraisal shall be doubled by the register and receiver.

(*g*) All public lands, and the coal deposits therein contained, (1) which have been withdrawn and thereafter *classified*, only, *as coal* and restored, (2) which have been withdrawn and thereafter classified as coal "*price not fixed*" and restored, (3) which have been withdrawn and thereafter *restored without classification*, or, (4) which have never been withdrawn, but which contain workable deposits of coal, are, if vacant, and otherwise available and so long as such lands are unaffected by, or embraced within, a coal withdrawal or other withdrawal under said withdrawal act, subject to coal filing and entry, unless shown by the applicant to be of such character as to be subject to entry under some other law.

As to the lands and the coal deposits therein contained, mentioned in said subdivision "g," the price thereof is, when same are sold under the coal-land laws, not less than $10 per acre when the land is situated more than 15 miles from a completed railroad and $20 per acre when the land is situated within 15 miles of a completed railroad. When lands lie partly without such limit, the higher price must be paid for each smallest legal subdivision the greater part of which lies within 15 miles of such railroad. The term "completed railroad" is construed to mean a railroad *actually constructed*, *equipped*, and *operating* at the date the applicant filed proper application to purchase and paid the price of the land. The distance is to be calculated from the point on such railroad nearest the land applied for, and the facts in each case, including cases where the appraisal does not show that the appraised land is within the 15-mile limit, must be shown by the affidavit of the applicant, corroborated by the affidavits of two disinterested credible persons having actual knowledge thereof.

(*h*) Lands classified as non-coal are *prima facie* non-coal in character. You will advise any person presenting an application under the coal-land laws for lands classified as non-coal that he will be allowed 30 days in which to submit evidence, consisting preferably of the sworn statements of experts or practical miners, that the land is in fact coal in character, together with an application that it be reclassified, and that in the event of failure to furnish said evidence within the time specified the application will be rejected. Such application will be given proper serial numbers and notation thereof made upon the records, and when accompanied by the necessary evidence they will be forwarded to the General Land Office, where, if upon the showing made, and such other inquiry as may be deemed proper, the land is classified as coal land, the coal-land application will be returned for allowance in the absence of other objection. If reclassification be denied, the applicant may, within 30 days from receipt of notice, appeal or apply for a hearing, at which hearing he will be afforded an opportunity to show that the classification is

improper, in which event he must assume the burden of proof. If he should fail to apply for a hearing within the time allowed, or to appeal, his application to enter or file will be finally rejected.

(*i*) In so far as any of the preceding subdivisions of this paragraph relate to the selling price of the land under the coal-land laws, they are to be considered and observed in connection with what is hereinafter set forth in paragraph 18 of these regulations.

7. A preference right of entry accrues only where a person or association of persons, severally qualified, have opened and improved a coal mine or mines upon the public lands and shall be in actual possession thereof and not by the filing of a declaratory statement. A perfunctory compliance with the law in this respect will not suffice, but a mine or mines of coal must be in fact opened and improved on the land claimed. The statute clearly contemplates the actual opening of a mine of coal and its improvement as such. Substantial steps, taken in good faith, looking to the creation of an operating and producing coal mine are essential. What specific work or workings constitute the opening of a mine, or what accomplishes the improvement of a mine when opened, are matters as to which no arbitrary and inflexible rule can be laid down. Each case as it arises must be determined upon the facts disclosed; but, work, merely for prospecting purposes, does not meet the requirements of the coal-land laws conferring a preference right of purchase upon one who opens and improves a coal mine upon the public domain.

There is no authority under which a coal mine upon public lands, entry not having been made, may be worked and operated for profit and sale of the coal, or beyond the *opening* and *improving* of the mine as a condition precedent to a preference right under section 2348 of the Revised Statutes. A violation of the law in this regard may subject the offending party to an action for damages for the trespass committed.

As to the circumstances under which nonmineral entrymen may, of right, use, for domestic purposes, upon the entered land, deposits of coal belonging to the United States, see the statutes in the Addenda.

To preserve a preference right of entry specified in the statute the person or association of persons having acquired the same must present to the register of the proper land district, within sixty days from the date of actual possession and commencement of improvements upon the land, a declaratory statement therefor in all cases where the township plat has been filed. When the township plat is not on file at the date of such improvement such declaratory statement must be presented within sixty days from the receipt of such plat at the district land office. [See, in this connection, paragraph 6, subdivisions (*a*) and (*c*).]

8. At any time prior to the issuance of patent protest may be filed against the patenting of the land applied for, upon any ground tending to show that the applicant has failed to comply with the law in any matter essential to a valid entry under the patent proceedings, or upon any other ground sufficient to deny the issuance of patent.

Protests filed will be received and acted upon by the local officers in accordance with the Rules of Practice and such rules will, as far as applicable, govern all cases and proceedings arising under the statutes providing for the sale of coal lands and deposits of coal. Government protests in connection with coal claims in Forest Reserves will be governed by the provisions of the joint regulations of September 4, 1915 (44 L. D., 360), and amendments thereto.

FEES OF REGISTERS AND RECEIVERS.

9. In Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, registers and receivers are allowed by law a fee of $3 for each coal-land declaratory statement filed.

In Arkansas, North Dakota, and South Dakota, registers and receivers are allowed by law a fee of $2 for each coal-land declaratory statement filed.

Declaratory statement fees are earned irrespective of the action taken upon the declaratory statement.

Each applicant must, at the time he presents his application to purchase, either in the exercise of a preference right or otherwise than in the exercise of a preference right, deposit with the receiver a filing fee of $10.

10. When it is sought to purchase otherwise than in the exercise of a preference right the party will himself make oath to the following application, which must be presented to the register:

I, ——— ———, hereby apply, under the provisions of the Revised Statutes of the United States relating to the sale of coal lands of the United States, to purchase the —— quarter of section ——, in township —— of range ——, in the district of lands subject to sale at the land office at ———, and containing —— acres; and I solemnly swear that no portion of said tract is in the possession of any other party or parties who has or have commenced improvements thereon for the development of coal; that I am twenty-one years of age; a citizen of the United States (or have declared my intention to become a citizen of the United States), and have never held, except ——— or purchased any lands under said act, either as an individual or as a member of an association; that I make this application in good faith for my own benefit, and not, directly or indirectly, in whole or in part, in behalf of any other person or persons whomsoever; and I do further swear that I am well acquainted with the character of said described land, and with each and every legal subdivision thereof; that my knowledge of said land is such as to enable me to testify understandingly with regard thereto; that said land contains workable deposits of coal; that there is not to my knowledge within the limits thereof any valuable vein or lode of quartz or other rock in place bearing gold, silver, or copper, and that there is not within the limits of said land, to my knowledge, any valuable deposit of gold, silver, or copper. So help me God.

11. Where a preference right of entry is sought to be preserved the required declaratory statement must be substantially as follows:

I, ——— ———, do hereby declare my intention to purchase, in the exercise of a preference right, under the provisions of the Revised Statutes of the United States relating to the sale of the coal lands of the United States, the —— quarter of section —— of township —— of range ——, in the district of the lands subject to sale at the district land office at ———; and I do solemnly swear that I am —— years of age and a citizen of the United States (or have declared my intention to become a citizen of the United States); that I have never, either as an individual or as a member of an association, held, except ——— or purchased any coal lands under the aforesaid provisions of the Revised Statutes; that I was in possession of, and commenced improvements on, said tract on the —— day of ———, A. D. 19—, and have ever since remained in actual possession continuously; that I have opened and improved a valuable mine of coal thereon, and have expended in labor and improvements on said mine the sum of ——— dollars, the labor and improvements being as follows: (Here describe the nature and character of the improvements); and I do furthermore solemnly swear that I am well acquainted with the character of said described land and with each and every legal subdivision thereof; that my knowledge of said land is such as to enable me to testify understandingly with regard thereto; that there is not, to my knowledge, within the limits thereof any valuable vein or lode of quartz or other rock in place bearing gold, silver, or copper, and that there is not within the limits of said land, to my knowledge, any valuable deposit of gold, silver, or copper. So help me God.

12. One year from and after the expiration of the period allowed for filing the declaratory statement is given within which to make proof and payment; but the local officers will allow no party to make final proof and payment except on special written notice to all others who appear on their records as claimants to the same tract. No notice will be given to parties whose declaratory statements have expired by limitation under the law.

13. A claimant who has failed to file declaratory statement within the 60-day period may, in the absence of intervening adverse rights in, or disposition of, the land involved, file declaratory statement at any time subsequent to such period and within the ensuing year, but a declarant will not be permitted to exercise a preference right of purchase after the expiration of the statutory period.

14. When it is sought to purchase, in the exercise of a preference right, the applicant must himself make the following affidavit, which must be presented to the register:

I, ——— ———, claiming, under the provisions of the Revised Statutes of the United States relating to the sale of the coal lands of the United States, the preference right to purchase the —— quarter of section ——, in township —— of range ——, subject to sale at the district land office at ———, hereby apply to purchase and enter the same; and I do solemnly swear that I have not hitherto held, except ——— or purchased, either as an individual or as a member of an association, any coal lands under the aforesaid provisions of the law; that I have expended in developing coal mines on said tract, in labor and improvements, the sum of ——— dollars, the nature of such improvements being as follows: ——— ———; that I am now in the actual possession of said mines, and make the entry in good faith for my own

benefit, and not, directly or indirectly, in whole or in part, in behalf of any person or persons whomsoever; and I do furthermore swear that I am well acquainted with the character of said described land, and with each and every legal subdivision thereof; that my knowledge of said land is such as to enable me to testify understandingly with regard thereto; that said land contains workable deposits of coal; that there is not, to my knowledge, within the limits thereof any valuable vein or lode of quartz or other rock in place bearing gold, silver, or copper, and that there is not within the limits of said land, to my knowledge, any valuable deposits of gold, silver, or copper. So help me God.

15. Where purchase and entry, whether in the exercise of a preference right or otherwise, is made by an association, each member thereof must subscribe and swear to the application or affidavit, the necessary changes being made to cover the joint possession and expenditure and the purchase and entry in their joint interest.

16. Each application, declaratory statement, and affidavit, forms whereof are given above, must be verified before the register or receiver or some officer authorized by law to administer oaths in the land district wherein the lands involved are situate. (Amendment of April 29, 1908, 36 L. D., 368.)

Necessary changes should be made in the application, declaratory statement, affidavit and sworn statement where it is sought to acquire possession of or title to the coal *deposits* only.

17. Upon the filing of an application to purchase coal lands under the provisions of paragraphs 10 or 14 the applicant will be required, at his own expense, to publish a notice of said application in a newspaper nearest the lands, to be designated by the register, for a period of thirty days, during which time a similar notice must be posted in the local land office and in a conspicuous place on the land. The notice should describe the land applied for and state that the purpose thereof is to allow all persons claiming the land applied for, or desiring to show that the applicant's coal entry should not be allowed for any reason, an opportunity to file objections with the local land officers.

Publication must be made sufficiently in advance to permit entry within the year specified by the statute.

After an application to purchase has been received no other person will be permitted to file on the land embraced therein under any public-land law until such application shall have been finally disposed of adverse to the applicant.

Notations should be made upon the tract books and other records of the local land offices of the filing of all coal declaratory statements and applications to purchase under the coal-land law, and said coal declaratory statements and applications to purchase should be properly indorsed so as to show the date of filing, the filing fees and purchase money paid. All such coal declaratory statements and applications to purchase; except rejected unappealed coal declaratory statements and ap-

plications to purchase, should also be noted upon the tract books of the General Land Office.

The local land officers will forward with the returns for each month all coal declaratory statements and applications to purchase received by them during the month, whether protested or not, unless the same are rejected or suspended by them.

Rejected coal declaratory statements and applications to purchase must be held for appeal, and transmitted to the General Land Office with the returns for the month during which the appeal is filed, or for the month in which the time allowed for appeal expires. There must be attached to each rejected coal declaratory statement or application to purchase a "rejection slip" (Form 4–659), or copy of notice of rejection, properly signed, and the final disposition must be plainly noted on such rejection slip, or copy of notice of rejection, before the papers are transmitted with the monthly returns, together with all proofs of service.

Except as otherwise provided for in these regulations, suspended coal declaratory statements and applications to purchase must be forwarded with the returns for the month during which the suspension was removed.

When proper application to purchase coal land, whether at private entry under section 2347, Revised Statutes, or in the exercise of a preference right under section 2348, Revised Statutes, is filed and is not, for any reason, rejected or suspended by the local land officers, the register will, at the time such application to purchase is filed, prepare the proper notices for publication and forward copy thereof to the Chief of Field Division or the proper forest officer, if the lands are in a national forest, and to the State, if in a school section. The register and receiver will thereafter forward the application to purchase, indorsed so as to show the date of filing and the amount of filing fee paid, with the returns for the month in which the application to purchase was filed, together with their written report as to the amount, if any, of purchase money paid (see 41 L. D., 417), and as to the action taken by them with reference to publication of notice, delivering copy of same to the Chief of Field Division and other parties entitled to such copy. When the proofs are completed they must forward the same as provided by Circular No. 105, as amended.

Contests should be duly noted upon the records as required by the circular of August 4, 1910 (39 L. D., 150–151).

The register and receiver will promptly report to the General Land Office, with appropriate recommendation, all coal-land applications wherein proof and payment are not made within the time required. See, in this connection, amended paragraph 18.

18. After the 30 days' period of newspaper publication has expired the claimant will furnish from the office of

publication a sworn statement (including an attached copy of the published notice) that the notice was published for the required period, giving the first and last date of such publication, and his own affidavit, or that of some credible person having personal knowledge of the fact, showing that the notice aforesaid remained conspicuously posted upon the land sought to be patented during said 30 days' publication, giving the dates. The register shall certify to the fact that the notice was posted in his office for the full period of 30 days, the certificate to state distinctly when such posting was done and how long continued, giving the dates.

The claimant will be required within 30 days after the expiration of the period of newspaper publication to furnish the proofs specified in this paragraph, whereupon, and after receipt of report of chief of field division, as required in paragraphs 5 and 6 of circular approved April 24, 1907, the register and receiver will examine the proofs submitted, and if all be found regular and the application allowable will, by registered mail or personal service, so notify the applicant in writing, requiring him, within 15 days from receipt of notice of such allowance, to make payment of the purchase money unless it has theretofore been made. Should the specified proofs and purchase money be not furnished and tendered within the time prescribed, the local officers will reject the application subject to appeal. In the exercise of a preference right of purchase, the publication and posting of notice should be completed and the proof thereof filed within the year fixed by the statute.

Applicants to purchase under section 2347 of the Revised Statutes may at their option pay for the land at the time of filing their applications to purchase, or at any time thereafter, up to 15 days from and after receipt of notice from the register and receiver, as hereinbefore provided. The price to be paid will be that existent at date of actual payment of the purchase money by the applicants to the register and receiver, and a subsequent increase in the price will not affect their right to complete the applications, if proceedings be diligently prosecuted to final proof and entry. Where payments are not made at time of filing applications to purchase, but are deferred to a later date, and an increase in valuation has occurred subsequent to application to purchase, but before the actual tender and payment of the purchase money, the applicants will in all such cases be required to pay the new or higher price.

The foregoing is not applicable to coal-land claimants who have initiated claims under section 2348 of the Revised Statutes, by the opening and improving of a mine of coal on public land, and who have diligently prosecuted their claims to completion, as required by the law and regulations. Such claimants will be required to pay the price fixed and existent at the time of the initiation of

their claims. (As amended December 30, 1912, 41 L. D., 417, 418).

When the purchase price is paid the receiver will deposit the same to his official credit as "Trust Funds" (Unearned Moneys) and the same may be held until earned and applied or returned.

19. Of the following forms, the one appropriate to the sections of the Revised Statutes under which application is made should be used for publication of all notices of application to enter coal lands:

(Amendment of July 9, 1912, 41 L. D., 100, 101).

Notice for publication.

COAL ENTRY.

(Sec. 2347, R. S.)

——— ——— Land Office,
——— ———, 19—.

Notice is hereby given that ——— ———, of ———, county of ———, State of ———, has this day filed in this office his application to purchase, under the provisions of section 2347, U. S. Revised Statutes, the —— of section No. ——, township No. ——, range No. ——.

Any and all persons claiming adversely the lands described, or desiring to object for any reason to the entry thereof by the applicant, should file their affidavits of protest in this office during the 30-day period of publication immediately following the first printed issue of this notice, otherwise the application may be allowed.

——— ———, *Register.*

Notice for publication.

COAL ENTRY.

(Secs. 2348–2352, R. S.)

——— ——— Land Office,
——— ———, *19*——.

Notice is hereby given that ——— ———, of ———, county of ———, State of ———, who, on the —— day of ———, 19——, filed in this office his coal declaratory statement for the ——— of section No. ———, township No. ——, range No. ——, has this day filed in this office his application to purchase said land under the provisions of sections 2348 to 2352, United States Revised Statutes.

Any and all persons claiming adversely the lands described, or desiring to object for any reason to the entry thereof by the applicant, should file their affidavits of protest in this office during the 30-day period of publication immediately following the first printed issue of this notice.

——— ———, *Register.*

The necessary changes should be made in the notice in all cases where the coal *deposits* only are sought to be entered.

20. An application for cash entry will be subject to any valid adverse right which may have attached to the same land pursuant to section 2348, Revised Statutes.

21. Qualified persons or associations who are lawfully in possession of tracts of coal lands which are still unsurveyed may, under sections 2401, 2402, and 2403, Revised Statutes, as amended by the act of August 20, 1894, apply to the surveyor-general for the survey of the town-

ship or townships, or portions thereof, embracing the lands claimed, to be specified as nearly as practicable. Each such application must be accompanied by the affidavit of the applicant or applicants, duly corroborated by at least two competent persons, setting forth the qualifications of the former as claimant or claimants of the land, the facts constituting their possession, the character of the land, and such other facts in the case as are essential in that connection. If the surveyor-general approves the application he will thereupon transmit it to the General Land Office with the affidavits and his report.

CLAY TALLMAN,
Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

ADDENDA.

ACTS OF CONGRESS PASSED SUBSEQUENT TO THE REVISED STATUTES.

(*Act March 3, 1909, 35 Stat. L., 844.*)

An Act For the protection of the surface rights of entrymen.

Public lands.
Confirmation of entries on lands erroneously deemed nonmineral.
Preservation of coal rights to United States.
Disposal under coal land laws.
Right of owner of surface.
Provisos.
Domestic use of coal.
Rights of entryman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who has in good faith located, selected, or entered under the nonmineral land laws of the United States any lands which subsequently are classified, claimed, or reported as being valuable for coal, may, if he shall so elect, and upon making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which shall contain a reservation to the United States of all coal in said lands, and the right to prospect for, mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal, but no person shall enter upon said lands to prospect for, or mine and remove coal therefrom, without previous consent of the owner under such patent, except upon such conditions as to security for and payment of all damages to such owner caused thereby as may be determined by a court of competent jurisdiction: *Provided*, That the owner under such patent shall have the right to mine coal for use on the land for domestic purposes prior to the disposal by the United States of the coal deposit: *Provided further*, That nothing herein contained shall be held to affect or abridge the right of any locator, selector, or entryman to a hearing for the purpose of determining the character of the land located, selected, or entered by him. Such locator, selector or entryman who has heretofore made or shall hereafter make final proof showing good faith and satisfactory compliance with the law under which his land is claimed shall be entitled to a patent without reservation unless at the time of such final proof and entry it shall be shown that the land is chiefly valuable for coal.

(*Act June 22, 1910, 36 Stat. L., 583.*)

An Act To provide for agricultural entries on coal lands.

Public lands.
Classified, etc., coal lands.
Agricultural entries for surface allowed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this Act unreserved public lands of the United States exclusive of Alaska which have

R. S., sec. 2290, p. 420.
Vol. 19, p. 6071.
Vol. 28, p. 422.
Vol. 32, p. 388.
Right to prospect, etc., for coal reserved.
Limit and conditions.
Vol. 35, p. 639.

been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection under section four of the Act approved August eighteenth, eighteen hundred and ninety-four, known as the Carey Act, and to withdrawal under the Act approved June seventeenth, nineteen hundred and two, known as the Reclamation Act, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title, with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same. But no desert entry made under the provisions of this Act shall contain more than one hundred and sixty acres, and all homestead entries made hereunder shall be subject to the conditions, as to residence and cultivation, of entries under the Act approved February nineteenth, nineteen hundred and nine, entitled "An Act to provide for an enlarged homestead:" *Provided*, That those who have initiated non-mineral entries, selections, or locations in good faith, prior to the passage of this Act, on lands withdrawn or classified as coal lands may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in this Act.

Proviso.

Perfection of present entries.

Applications to state nature of entry.

SEC. 2. That any person desiring to make entry under the homestead laws or the desert-land law, any State desiring to make selection under section four of the Act of August eighteenth, eighteen hundred and ninety-four, known as the Carey Act, and the Secretary of the Interior in withdrawing under the Reclamation Act lands classified as coal lands, or valuable for coal, with a view of securing or passing title to the same in accordance with the provisions of said Acts, shall state in the application for entry, selection, or notice of withdrawal that the same is made in accordance with and subject to the provisions and reservations of this Act.

Patents to reserve coal rights.

SEC. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which entry is made, and of this Act, the entryman shall be entitled to a patent to the land entered by him, which patent shall contain a reservation to the United States of all the coal in the lands so patented, together with the right to prospect for, mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal. Any person qualified to acquire coal deposits or the right to mine and remove the coal under the laws of the United States shall have the right, at all times, to enter upon the lands selected, entered, or patented, as provided by this Act, for the purpose of prospecting for coal thereon upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by

Disposal of coal deposits.

Entry for prospecting, etc.

reason of such prospecting. Any person who has acquired from the United States the coal deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal therefrom, and mine and remove the coal, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That the owner under such limited patent shall have the right to mine coal for use upon the land for domestic purposes at any time prior to the disposal by the United States of the coal desposits: *Provided further*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, enter, or select, under the land laws of the United States, lands which have been classified as coal lands with a view of disproving such classification and securing a patent without reservation.

Damages to surface owners.

Provisos. Mining for domestic use.

Right of entryman to disprove coal classifications.

Acts supplementing the above act of June 22, 1910.

The act approved April 23, 1912 (37 Stat., 90), opening coal lands in Alabama to agricultural entry, reserving to the United States the title to the coal deposits in the land. For instructions of March 24, 1912, under said act, see 41 L. D., 32.

The act approved April 30, 1912 (37 Stat., 105), relative to disposal of lands to States, and as to isolated tracts, where the title to the coal in the land is reserved to the United States. See instructions of May 24, 1912 (41 L. D., 30); January 11, 1915 (43 L. D., 491), and June 4, 1912 (41 L. D., 89), thereunder.

The act approved August 3, 1914 (38 Stat., 681), pertaining to the disposition, where the entryman reserves to the Government the title to the coal in the land, of certain coal lands within the ceded portion of the Fort Berthold Indian Reservation in North Dakota, and also the coal deposits.

(*Act June 25, 1910, 36 Stat. L., 847*).

An Act To authorize the President of the United States to make withdrawals of public lands in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including the District of Alaska, and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reserva-

Public lands. Temporary withdrawals by President for power sites, irrigation, etc., authorized.

tions shall remain in force until revoked by him or by an act of Congress.

Mining rights continued.

SEC. 2.[1] That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase, under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, and phosphates: *Provided,* That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands, and who, at such date, is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order, so long as such occupant or claimant shall continue in diligent prosecution of said work: *And provided further,* That this act shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to the passage of this act: *And provided further,* That there shall be excepted from the force and effect of any withdrawal made under the provisions of this act all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: *And provided further,* That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress.

Exceptions.

Provisos.

Rights of bona fide oil or gas claimants.

Status of prior claims.

Homestead, etc., settlements excepted.

Restriction on new forest reserves.

Report of withdrawals to Congress.

SEC. 3. That the Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of the withdrawals.

Act of Congress approved June 25, 1910 (36 Stat. L., 847).

(*Act December 29, 1916, 39 Stat. L., 862.*)

An Act To provide for stock-raising homesteads, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

Coal and mineral deposits reserved.

SEC. 9. That all entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in ac-

Disposal under mining laws.

[1] Sec. 2 of the above act was amended by act of August 24, 1912 (37 Stat., 497) to permit exploration, location, and purchase of withdrawn lands containing metalliferous minerals only. (See, in this connection, circular of October 21, 1912, 41 L. D., 345.)

cordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situate, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this act with reference to the disposition, occupancy, and use of the land as permitted to an entryman under this act.

Locating and prospecting allowed.

Surface entries for mining purposes permitted.

Conditions.

Proviso.
Mining patents subject to grazing rights, etc.

(*Act February 27, 1917, 39 Stat. L., 944.*)

An Act To authorize agricultural entries on surplus coal lands in Indian reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any Indian reservation heretofore or hereafter opened to settlement and entry pursuant to a classification of the surplus lands therein as mineral and nonmineral, such surplus lands not otherwise reserved or disposed of, which have been or may be withdrawn or

Indian Reservations.
Agricultural entries allowed for surface of coal lands in.

classified as coal lands or are valuable for coal deposits, shall be subject to the same disposition as is or may be prescribed by law for the nonmineral lands in such reservation whenever proper application shall be made with a view of obtaining title to such lands, with a reservation to the United States of the coal deposits therein and of the right to prospect for, mine, and remove the same:

Proviso. *Provided*, That such surplus lands, prior to any disposition hereunder, shall be examined, separated into classes the same as are the nonmineral lands in such reservations, and appraised as to their value, exclusive of the coal deposits therein, under such rules and regulations as shall be prescribed by the Secretary of the Interior for that purpose.

Classification, appraisal, etc.

Conditions of applications.

SEC. 2. That any applicant for such lands shall state in his application that the same is made in accordance with and subject to the provisions and reservations of this act, and upon submission of satisfactory proof of full compliance with the provisions of law under which application or entry is made and of this act shall be entitled to a patent to the lands applied for and entered by him, which patent shall contain a reservation to the United States of all the coal deposits in the lands so patented, together with the right to prospect for, mine, and remove the same.

Issue of conditional patent.

Coal deposits subject to laws in force.

SEC. 3. That if the coal-land laws have been or shall be extended over lands applied for, entered, or patented hereunder the coal deposits therein shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal. Any person qualified to acquire coal deposits or the right to mine and remove the coal under the laws of the United States shall have the right at all times to enter upon the lands applied for, entered, or patented under this act for the purpose of prospecting for coal thereon, if such coal deposits are then subject to disposition, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting.

Bond for prospecting.

Mining entries, etc., permitted.

Any person who has acquired from the United States the coal deposits in any such lands, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal therefrom, and mine and remove the coal, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That the owner under such limited patent shall have the right to mine coal for personal use upon the land for domestic purposes at any time prior to the disposal by the United States of the

Provisos. Coal for personal use.

coal deposits: *Provided further*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications made under the applicable land laws of the United States for any such surplus lands which have been or may be classified as coal lands with a view of disproving such classification and securing a patent without reservation.

Application to disprove classification as coal lands.

SEC. 4. That the net proceeds derived from the sale and entry of such surplus lands in conformity with the provisions of this act shall be paid into the Treasury of the United States to the credit of the same fund under the same conditions and limitations as are or may be prescribed by law for the disposition of the proceeds arising from the disposal of other surplus lands in such Indian reservation: *Provided*, That the provisions of this act shall not apply to the lands of the Five Civilized Tribes of Indians in Oklahoma.

Proceeds to credit of Indians.

Proviso. Lands of Five Civilized Tribes excluded.

EXCERPTS FROM THE SEPTEMBER 7, 1909, INSTRUCTIONS (38 L. D., 183, 185) UNDER THE ACT OF CONGRESS APPROVED MARCH 3, 1909 (35 STAT. L., 844), FOR THE PROTECTION OF SURFACE RIGHTS OF ENTRYMEN.

DISPOSAL OF THE COAL DEPOSITS.

7. Where election to accept patent with the prescribed reservation has been made by the nonmineral claimant coal deposits in the land may be prospected for, mined, and removed under the existing coal-land laws, provided the person desiring so to do first procures the consent of the surface owner, or furnishes such security for payment of all damages to such owner caused thereby as may be determined by a court of competent jurisdiction. But no coal declaratory statement or application to purchase under sections 2347–2352 of the Revised Statutes, and the regulations of this office, will be received until the nonmineral claimant has elected to take a patent containing the prescribed reservation.

Appeals shall be allowed in all proceedings brought hereunder as in other cases. (As amended Nov. 21, 1912, 41 L. D., 358.)

CERTIFICATES AND PATENTS.

8. Coal declaratory statements, certificates, and patents issued under the provisions of this act will describe the land by legal subdivisions as under the general coal-land laws, and payment will be made at the price fixed for the whole area, but appropriate conditions and limitations will be incorporated in the patent fully defining the interests and rights of the respective parties. To this end you will note on each coal receipt and certificate issued by you, in pursuance thereof, the words "Patent will contain conditions and limitations of the act of March 3, 1909 (35 Stat., 844)."

EXCERPTS FROM THE SEPTEMBER 8, 1910, INSTRUCTIONS (39 L. D., 179, 183) UNDER THE ACT APPROVED JUNE 22, 1910 (36 STAT. L., 583), TO PROVIDE FOR AGRICULTURAL ENTRIES ON COAL LANDS.

DISPOSAL OF COAL DEPOSITS.

6. *Right to prospect for coal—Bond to be filed.*—By section 3 of the act it is provided that upon satisfactory proof of full compliance with the provisions of the laws under which entry is made, and of this act, the entryman shall be entitled to a patent to the land entered by him, which patent shall contain a reservation to the United States of all the coal in the land so patented, together with the right to prospect for, mine, and remove the same; and that the coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal. Said section 3 also provides that any person qualified to acquire coal deposits or the right to mine and remove the coal under the laws of the United States shall have the right, at all times, to enter upon the lands selected, entered, or patented, as provided by this act, for the purpose of prospecting for coal thereon upon the approval of the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting; and that any person who has acquired from the United States the coal deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal therefrom, and mine and remove the coal, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages.

As a condition precedent to the exercise of the right mentioned in this act to prospect for coal, the person desiring so to prospect must file in the office of the Commissioner of the General Land Office, for submission to the Secretary of the Interior for his approval, a bond or undertaking to indemnify the nonmineral claimant in lawful possession under this act from all damages that may accrue to the latter's crops and improvements on such lands by reason of such prospecting, the right to prospect to date from receipt of notice of approval of the bond. There must be filed with such bond evidence of service of a copy thereof upon the nonmineral claimant. The bond must be executed by the prospector as principal, with two competent individual sureties, or a corporate surety that has complied with the provisions of the act of August 13, 1894 (28 Stat., 279), as amended by the act approved March 23, 1910 (36 Stat., 241), in the sum of $1,000, as per form hereto annexed. Except in the case of a bond given by a qualified corporate surety, there must be filed therewith affidavits of justification by the sureties, and a certificate by a judge or clerk of a court of record, a United States district attorney, a United States commissioner, or a United States postmaster as to the identity, signatures, and financial competency of the sureties. Coal declaratory statements for and applications to purchase the coal deposits in lands entered, selected, or withdrawn under the reclama-

tion act, as provided in section 2 of act, will be received and filed at any time after such entry or selection has been received and allowed of record or such withdrawal has become a matter of record in your office; coal declaratory statements for and applications to purchase the coal deposits in those lands embraced in nonmineral entries, selections, or locations made in good faith, described in, and protected by the proviso in section 1 of the act will be accepted and filed after it shall have been determined and become a matter of record in your office that such nonmineral entryman, selector, or locator shall receive the limited patent prescribed in the act: *Provided always*, That such lands, or the coal deposits therein, have then been restored to disposition under the coal-land laws and the regulations in force. (As amended Oct. 26, 1914, 43 L. D., 424.)

APPLICATIONS, CERTIFICATES, AND PATENTS.

7. (*c*) Coal declaratory statements, applications to purchase, certificates, and patents issued under the provisions of this act will describe the coal within legal subdivisions, and payment will be made at the price fixed for the whole acreage. Coal declaratory statements and applications to purchase under sections 2347–2352, Revised Statutes, for coal deposits disposable under this act, must have noted across the face of same, before such coal declaratory statements or applications to purchase are signed by the coal claimants and presented to you, the words—

Patent will convey only the coal in the land and rights incident thereto in accordance with the conditions and limitations of the act of June 22, 1910 (36 Stat., 583).

You will make like notation on each coal entry, final certificate, and notice of allowance issued by you for coal deposits disposable under this act. (Amendment of Sept. 27, 1910.)

There will be incorporated in patents to coal claimants for coal deposits disposed of under this act substantially the following words:

Now know ye, that there is, therefore, pursuant to the law aforesaid, hereby granted by the United States unto the said grantee and to the heirs or successors and assigns of said grantee all the coal and the coal deposits in the land above described, together with the right to prospect for, mine, and remove the coal from the same upon compliance with the conditions of and subject to the limitations of the act of June 22, 1910 (36 Stat., 583), entitled "An act to provide for agricultural entries on coal lands."

FORM OF BOND.

[Approved by Department, Sept. 8, 1910.]

(Under act of June 22, 1910, 36 Stat., 583.)[1]

KNOW ALL MEN BY THESE PRESENTS, That I ——— ——— of ——— (or we ——— ——— of ——— and ——— ——— of ———, as the case may be), a citizen (or citizens) of the United States, or having declared my (or our) intention to become a citizen (or citizens) of the United States, and never having held or purchased lands from the United States under the coal-land laws, either as an individual or as a member of an association, as principal (or principals), and ——— ——— of ———, and ——— ——— of ———, as sureties, are held and firmly bound unto ———

[1] NOTE: Act of June 22, 1910 (36 Stat. L., 583), printed in full on this bond.

———, his heirs, executors, administrators, or assigns, in the full sum of one thousand dollars ($1,000), lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, and each and every one of us and them, jointly and severally, firmly by these presents.

Signed with our hands and sealed with our seals this ——— day of ———, 191—.

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas the above bounden ——— ——— is desirous of entering upon the ———, section ———, township ———, range ———, ——— land district, ———, for the purpose of prospecting for coal thereon under the provisions of the act of June 22, 1910 (36 Stat., 583); and, whereas, the above-named ——— ——— is the lawful claimant of said land,

NOW THEREFORE, if the said above bounden parties, or either of them, or the heirs of either of them, their executors or administrators, upon demand, shall make good and sufficient recompense, satisfaction, and payment unto the said claimant, his heirs, executors or administrators, or assigns, for all such damages to the crops and improvements on said lands as the said claimant, his heirs, executors, administrators, or assigns shall suffer or sustain by reason of his, the above bounden principal's, prospecting for coal on said described land, then this obligation shall be null and void; otherwise the same shall remain in full force and effect.

——— ———
Principal.

Signed and sealed in the presence of, and witnessed by, the undersigned:

——— ——— Residence ——— ———

——— ———
Surety.

Residence ——— ——— Residence ——— ———

——— ———
Surety.

Residence ——— ——— Residence ——— ———

EXCERPTS FROM THE JANUARY 27, 1917, INSTRUCTIONS (45 L. D., 625) UNDER THE ACT APPROVED DECEMBER 29, 1916 (39 STAT. L., 862), TO PROVIDE FOR STOCK-RAISING HOMESTEADS, AND FOR OTHER PURPOSES.

DISPOSAL OF COAL AND OTHER MINERAL DEPOSITS.

14. (*a*) Section 9 of the act provides that all entries made and patents issued under its provisions shall contain a reservation to the United States of all coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same; also that the coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal.

Said section 9 also provides that any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented under the act, for the purpose of prospecting for the coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on the land by reason of such prospecting.

It is further provided in said section 9 that any person *who has acquired from the United States the coal or other mineral deposits in any such land* or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; or, second, upon payment of the

damages to crops or other tangible improvements to the owner thereof under agreement; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon. This bond, the form whereof will be found printed in the appendix hereto, must be executed by the person who has acquired from the United States the coal or other mineral deposits reserved, as directed in said section 9, as principal, with two competent individual sureties, or a bonding company which has complied with the requirements of the act of August 13, 1894 (28 Stat., 279), as amended by the act of March 23, 1910 (36 Stat., 241), and must be in the sum of not less than $1,000. Qualified corporate sureties are preferred and may be accepted as sole surety. Except in the case of a bond given by a qualified corporate surety there must be filed therewith affidavits of justification by the sureties and a certificate by a judge or clerk of a court of record, a United States district attorney, a United States commissioner, or a United States postmaster as to the identity, signatures, and financial competency of the sureties. Said bond, with accompanying papers, must be filed with the register and receiver of the local land office of the district wherein the land is situate, and there must also be filed with such bond evidence of service of a copy of the bond upon the homestead entryman or owner of the land.

If at the expiration of 30 days after receipt of the aforesaid copy of the bond by the entryman or owner of the land no objections are made by such entryman or owner of the land and filed with the register and receiver against the approval of the bond by them, they may, if all else be regular, approve said bond. If, however, after receipt by the homestead entryman or owner of the lands of copy of the bond, such homestead entryman or owner of the land timely objects to the approval of the bond by said local officers, they will immediately give consideration to said bond, accompanying papers, and objections filed as aforesaid to the approval of the bond, and if, in consequence of such consideration by them, they shall find and conclude that the proffered bond ought not to be by them approved, they will render decision accordingly and give due notice thereof to the person proffering the bond, at the same time advising such person of his right of appeal to the Commissioner of the General Land Office from their action in disapproving the bond so filed and proffered. If, however, said local officers, after full and complete examination and consideration of all the papers filed, are of the opinion that the proffered bond is a good and sufficient one and that the objections interposed as provided herein against the approval thereof by them do not set forth sufficient reasons to justify them in refusing to approve said proffered bond, they will, in writing, duly notify the homestead entryman or owner of the land of their decision in this regard and allow such homestead entryman or owner of the land 30 days in which to appeal to the Commissioner of the General Land Office. If appeal from the adverse decision of the register and receiver be not timely filed by the person proffering the bond, the local officers will indorse upon the bond "disapproved" and other appropriate notations, and close the case. If, on the other hand, the homestead entryman or

owner of the lands fails to timely appeal from the decision of the register and receiver adverse to the contentions of said homestead entryman or owner of the lands, said register and receiver may, if all else be regular, approve the bond.

Mineral applications and coal declaratory statements for and applications to purchase the coal or other mineral deposits in lands entered or patented under the act, reserved as provided in the act, will, if all else be regular, be received and filed at any time after the homestead entry has been received and allowed of record: *Provided*, That the lands or the coal or other mineral deposits therein are not at the time withdrawn or reserved from disposition.

* * * * * * *

Mineral applications and coal-declaratory statements, applications to purchase, certificates and patents issued subject to the provisions of this act for the reserved deposits will describe the coal or other mineral according to legal subdivisions or by official mineral survey, as the case may be, and payment will be made at the price fixed for the whole acreage.

Mineral applications and coal-declaratory statements and applications under the coal and mining laws for the reserved deposits disposable under the act must bear on the face of the same, before being signed by the declarant or applicant and presented to you, the following notation:

. Patent shall contain appropriate notations declaring same subject to the provisions of the act of December 29, 1916 (Public, 290), with reference to disposition, occupancy, and use of the land as permitted to an entryman under said act.

Like notation will be made by the register and receiver on final certificates issued by them for the reserved mineral deposits disposable under and subject to the provisions of this act.

(Form approved by the Secretary of the Interior January 18, 1917.)

NOTE.—In the preparation, execution, approval, and acceptance of this bond all parties concerned will be governed by the general regulations of January 8, 1917, entitled "Regulations Governing the Preparation and Execution of Official Bonds," as far as same are applicable; by the act of December 29, 1916, authorizing this bond, and by paragraph 14 (*a*) of the January 27, 1917, "Instructions" under said act.

BOND FOR MINERAL CLAIMANTS.

(Act of December 29, 1916—39 Stat. L., 862.)

KNOW ALL MEN BY THESE PRESENTS, That ——————————
(Give full name and address.)
——— citizen— of the United States, or having declared ———— intention to become —— citizen— of the United States, as principal—, and ——————————
(My or our.) (Give full name and address.)
and ——————————
as sureties, are held and firmly bound unto the United States of America, for the use and benefit of the hereinafter-mentioned entryman or owner of the hereinafter-described land, whereof homestead entry has been made subject to the act of December 29, 1916 (39 Stat. L., 862), in the sum of ——————————
dollars ($————), lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, and each and every one of us and them, jointly and severally, firmly by these presents.

Signed with our hands and sealed with our seals this ——— day of ————, 19—.

THE CONDITION OF THIS OBLIGATION IS SUCH, That, whereas the above-bounden——
——————————
ha—— acquired from the United States the ——————————
deposits (together with the right to mine and remove the same) situate, lying, and

being within the ——————————————————————————————
of section ——————, township ——————, range ——————, ——————m.,
—————————— land district, ——————————————————————
and whereas homestead entry, serial No. —————————— has been made at
—————————— land office, of the surface of said above-described land, under the provisions of said act of December 29, 1916, by ——————————

NOW, THEREFORE, if the above-bounden parties or either of them or the heirs of either of them, their executors or administrators, upon demand, shall make good and sufficient recompense, satisfaction and payment, unto the said entryman or owner, his heirs, executors or administrators, or assigns, for all damages to the entryman's or owner's crops or tangible improvements upon said homesteaded land as the said entryman or owner shall suffer or sustain or a court of competent jurisdiction may determine and fix in an action brought on this bond or undertaking, by reason of the above-bounden principal's mining and removing of the ——————————
deposits from said described land, or occupancy or use of said surface, as permitted to said above-bounden principal— under the provisions of said act of December 29, 1916, by ——————————, then this obligation shall be null and void; otherwise and in default of a full and complete compliance with either or any of said obligations, the same remain in full force and effect.

Signed and sealed in the presence of, and witnessed by the undersigned:

FULL NAME OF WITNESS.	ADDRESS.	(The principal should sign first.)
——————,	——————,	AS TO ☞
——————,	——————,	
		——————[SEAL.] (Principal.)
——————,	——————,	"
——————,	——————,	
		——————[SEAL.] (Principal.)
——————,	——————,	"
——————,	——————,	
		——————[SEAL.] (Principal.)
——————,	——————,	"
——————,	——————,	
		——————[SEAL.] (Surety.)
——————,	——————,	"
——————,	——————,	
		——————[SEAL.] (Surety.)
——————,	——————,	"
——————,	——————,	
		——————[SEAL.] (Surety.)

☞ Give address of each witness.

☞ Two witnesses to each signature.

☞ Adhesive or impression seals required.

☞ Sign full names.

☞ Any erasure, insertion, or mutilation must be certified to as made before signing.

DISPOSITION OF SURPLUS COAL LANDS RESTORED FROM INDIAN RESERVATIONS (46 L. D., ——).

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, April 16, 1917.

Registers and receivers, United States land offices.

SIRS: Attention is directed to the act of Congress approved February 27, 1917 (Public, No. 358), entitled "An act to authorize agricultural entries on surplus coal lands in Indian reservations," copy of which is appended hereto.

With the exception of the lands of the Five Civilized Tribes, the act applies to all Indian reservations that have been or which may be hereafter restored where the surplus lands are or may be divided into mineral and nonmineral classes.

It recognizes that such surplus coal lands have two distinct values, coal and nonmineral or agricultural. It provides for the disposition of the two estates therein created, the coal deposits and the nonmineral, and directs that the proceeds derived from both be placed to the credit of the Indians in the manner provided for other surplus lands. But while the estates may be so separated, no sale of the coal deposits only may be made in advance of the disposition of the nonmineral estate. It does not extend the coal-land laws to areas not otherwise subject thereto, except to permit of the purchase of the coal deposits where the lands have been disposed of under the act with a reservation of such deposits, and then only where the coal-land laws shall have been extended to such areas at the time of such coal purchase. It does not repeal or modify the coal-land laws where otherwise applicable, nor prevent the acquisition of both estates thereunder, but in providing for the disposition of the two estates and in directing the payment to the Indians of the proceeds arising from each, it necessarily contemplates that if the coal-land purchaser precede the agricultural applicant and thus secure title to both estates, he must pay for each at the prices fixed for the respective estates.

Where the law providing for the separation of the lands into mineral and nonmineral classes placed a flat price on the nonmineral lands or authorized the disposal of such lands at a general price which has been so fixed, this act does not require a specific tract appraisal of the coal lands to be disposed of thereunder with a reservation of the coal deposits and in all such cases the nonmineral or agricultural estate may be disposed of at the prices so fixed for the nonmineral lands. Where the law requires that the nonmineral lands shall be separated into further classes and appraised either by tracts or by such groups, no disposition of the coal lands in such reservation may be made either under this act or under the coal-land laws until such surplus lands have been separated into classes and appraised as to their value exclusive of the coal deposits in the manner provided for nonmineral lands, and in such cases the act has the effect of withdrawing from entry under the coal-land laws the coal lands in such reservations until such coal lands shall have been appraised without reference to the coal deposits, in the manner provided for the nonmineral lands.

If the nonmineral lands and the coal lands with the reservation of the coal deposits be withdrawn from other disposition for the purpose of sale, no entry under the coal-land laws may be allowed therefor until such lands shall have been sold with the reservation of such deposits or restored. The coal deposits in lands sold or otherwise disposed of with a reservation of the coal, if otherwise subject to disposition, may be purchased under the coal-land laws at prices fixed thereunder, and if any of the coal lands so withdrawn for sale shall be restored unsold, both estates may be purchased under the coal-land laws upon the payment of the nonmineral and coal prices.

If, under the law authorizing the disposal of the nonmineral lands, a proclamation of the President or order of the Secretary is required

before the restoration can take effect, the coal lands with the reservation of the coal deposits will not become subject to disposal under the provisions of this act until so restored.

Very respectfully,

C. M. BRUCE,
Acting Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

CLASSIFICATION AND VALUATION OF PUBLIC COAL LANDS.

(NOTE.—The classification and valuation of public coal lands are made by the U. S. Geological Survey. Notice thereof is sent to the proper local officers by the General Land Office.)

REGULATIONS, FEBRUARY 20, 1913 (41 L. D., 528).

I. CLASSIFICATION.

1. Land shall be classified as coal land if it contains coal having—

(*a*) A heat value of not less than 8,000 B. t. u. on an air-dried, unwashed or washed, unweathered mine sample.

(*b*) A thickness of or equivalent to 14 inches for coals having a heat value of 12,000 B. t. u. or more, increasing 1 inch for a decrease from 12,000 to 11,000 B. t. u., 1 inch for a decrease from 11,000 to 10,500 B. t. u., 1 inch for each decrease of 250 B. t. u. from 10,500 to 10,000, and 1 inch for each decrease of 100 B. t. u. below 10,000.

(*c*) A depth below the surface for a bed of coal 6 feet or more thick of not more than 100 feet for each 300 B. t. u. or major fraction thereof, and for a bed of minimum thickness for that coal a depth of not more than 500 feet, and for beds of any thickness between the minimum and 6 feet a depth directly proportional to that thickness within these limits, provided that, if the coal lies below the depth limit but within a horizontal distance from the surface not exceeding 10 times the depth limit, or if its horizontal distance from the foot of a possible shaft (not deeper than the depth limit) plus 7.5 times the depth of such shaft does not exceed 10 times the depth limit, the land shall be classified as coal land; provided, further, that the depth limit shall be computed for each individual bed, except that where two or more beds occur in such relations that they may be mined from the same opening the depth limit may be determined on the group as a unit, being fixed at the center of weight of the group, no coal that is below the depth limit thus determined to be considered.

2. Classification shall be made by quarter-quarter sections or surveyed lots. (As amended Feb. 16, 1915, 43 L. D., 520.)

II. VALUATION.

3. For purposes of valuation the price per ton for a noncoking, nonanthracite coal 6 to 10 feet thick shall be one-tenth of a cent for each 1,250 B. t. u.:

(*a*) Provided that the price per ton may be increased by not more than 100 per cent if the coal is coking, smokeless, or anthracitic

or has other enhancing qualities; or it may be decreased for high sulphur or ash, friability, or nonstocking or other qualities that reduce the value; and

(*b*) Provided, further, that if the coal in one bed is over 10 feet thick the price on each foot above 10 feet shall be reduced 1 per cent for each such foot (thus the reduction will be 1 per cent on the eleventh foot, 2 per cent on the twelfth foot, and so on); or if the coal is less than 6 feet thick the price shall be reduced by multiplying the normal value by $\frac{4+t}{10}$, where t equals thickness in feet; and

(*c*) Provided that where the thickness of any bed varies irregularly its computed thickness (CT) over any area shall be equal to the average of the measurements (AM) less the sum of the differences between each measurement and the average of the measurements (SD) divided by the sum of the measurements (S):

$$CT = AM - \frac{SD}{S}$$

4. The value of any acre within 15 miles of a railroad in operation shall be determined at the rate per ton prescribed above on an estimated recoverable tonnage of 1,000 tons to the acre-foot:

Provided that if the coal is in several beds having an aggregate thickness of more than 10 feet if beds less than 6 feet thick are considered at the reduced thickness as prescribed above, the value due to each foot above 10 feet shall be reduced 1 per cent for each such foot (as in computing the price per ton on a single thick bed) up to a thickness of 80 feet, above which any additional thickness shall be valued at 30 per cent of the normal value.

5. This price shall be decreased one-half if the land is more than 15 miles from a railroad in operation, or if it is within that limit but inaccessible owing to topographic conditions; but no land shall be valued at less than the legal minimum price, nor shall the price of any land exceed $300 an acre except in districts which contain large coal mines and where the character and extent of the coal are well known.

6. Within the above restrictions a graded allowance shall be made for increasing depth, and allowance may be made for any special conditions enhancing or diminishing the value of the land for coal mining.

7. If only a part of a smallest legal subdivision is underlain by coal the price per acre shall be fixed by dividing the total estimated coal values by the number of acres in the subdivision, but this price shall be not less than the minimum provided by law.

8. When lands which were at the time of classification more than 15 miles from a railroad are brought within the 15-mile limit by the beginning of operation of a new road, all values given in the original classification shall be doubled by the register and receiver.

9. Review of classification or valuation may be had only on application therefor to the Secretary, accompanied by a clear and specific statement of conditions not existing or not known to exist at the time of examination.

○

In reply please refer to Circular No. 559.

DEPARTMENT OF THE INTERIOR

General Land Office

Absolute - See Circ. 1785

Washington August 1, 1917.

August 1, 1917.

Amending paragraph 108 and repealing paragraphs 109 and 110 of the U. S. Mining Regulations approved August 6, 1915.

Registers and Receivers, and

U. S. Surveyors General.

Sirs:

Paragraph 108 of the U. S. Mining Regulations approved August 6, 1915 (44 L. D., 247), has this day been amended to read as hereinafter set forth, and paragraphs 109 and 110 of said regulations have this day been repealed:

"108. When the case comes before this office, such decision will be made as the law and the facts may justify. In cases where a survey is necessary to set apart the mineral from the agricultural land, the U. S. Surveyor General for the district in which the lands are located will be authorized to prepare special instructions for its execution, and upon approval of such instructions by this office, assignment will be made to a U. S. surveyor to make the survey. The work will be performed without expense to the agricultural claimant or to the mineral claimant, and upon completion, approval and acceptance thereof, the local land office will be supplied with an authenticated copy of the plat of said segregation survey which will become the basis for the disposal of the nonmineral lands exhibited thereon. The local land office will, in all cases, be advised of the issuance of authority for the survey and a copy thereof will be furnished for service on the mineral claimant."

The foregoing changes will be effective on and after September 1, 1917.

Very respectfully,

CLAY TALLMAN,

Commissioner.

Approved:

ALEXANDER T. VOGELSANG,

First Assistant Secretary.

(8090)

SEP 22 1917

Circular No. 560.

ADDITIONAL ENTRIES—APPLICATION BY WIDOW, HEIRS, OR DEVISEE OF DECEASED HOMESTEADER NOT TO BE ALLOWED.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, August 4, 1917.

Registers and Receivers,
United States Land Offices:

SIRS: By decision rendered May 8, 1917, in the case of Timothy Sullivan, guardian of Juanita Elsenpeter, the Secretary of the Interior overruled the Department's decisions in the cases of Lillie E. Stirling, 39 L. D., 346; Susan A. Davis, 40 L. D., 573; and Bertha M. Birkland, 45 L. D., 104, in which it had been held that under certain circumstances the widow or heirs of a homestead entryman might make entry, under the enlarged homestead act, additional to that made by him. This overruled also the decision in Samuel T. B. Himes, 43 L. D., 388, wherein it had been held that the widow or heirs might make additional entry under section 2 of the act of April 28, 1904 (33 Stat., 527). Following the said construction of the law, you are instructed:

(1) You will reject, subject to the usual right of appeal, all applications filed by the widow, heirs, or devisee of a homesteader to make entry additional to his claim. This order will govern your action not only on applications hereafter filed but on those which are now pending in your office, and it applies to applications under the stock-raising homestead law as well as to those under the acts above referred to. The circular of January 27, 1917, issued under said law, as amended by the circular of March 23, 1917, is modified accordingly.

(2) Additional entries heretofore *allowed* in accordance with the prior rulings will be submitted to the board of equitable adjudication for consideration, if they shall first have been perfected by the submission of final proof. Therefore, you will not reject proofs upon such additional entries on the sole ground that they were improperly allowed.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved: August 4, 1917.
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

9106°—17

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1917

Dec Circ 574, 641, 650, 646

CIRCULAR NO 564.

MILITARY SERVICE BY HOMESTEADERS DURING WAR. ACT OF JULY 28, 1917 (PUBLIC NO. 32).

INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., August 22, 1917.

Registers and Receivers,
United States Land Offices:

SIRS: The act of July 28, 1917 (Public No. 32), provides:

That any settler upon the public lands of the United States, or any entryman whose application has been allowed, or any person who has made application for public lands which thereafter may be allowed under the homestead laws, who, after such settlement, entry, or application, enlists or is actually engaged in the military or naval service of the United States as a private soldier, officer, seaman, marine, national guardsman, or member of any other organization for offense or defense authorized by Congress during any war in which the United States may be engaged, shall, in the administration of the homestead laws, have his services therein construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and hereafter no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, entryman, or person unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases hereinafter initiated that the alleged absence from the land was not due to his employment in such military or naval service; that if he shall be discharged on account of wounds received or disability incurred in the line of duty, then the term of his enlistment shall be deducted from the required length of residence, without reference to the time of actual service: *Provided*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

SEC. 2. That any settler upon the public lands of the United States, or any entryman whose application has been allowed, or any person who has made application for public lands which thereafter may be allowed under the homestead laws, who dies while actually engaged in the military or naval service of the United States, as a private soldier, officer, seaman, marine, National Guardsman, or member of any other organization for offense or defense authorized by Congress during any war in which the United States may be engaged, then his widow, if unmarried, or in case of her death or marriage, his minor orphan children, or his or their legal representatives, may proceed forthwith to make final proof upon such entry or application thereafter allowed, and shall be entitled to receive Government patent for such land; and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead.

10331°—17

WHO ENTITLED TO CREDIT FOR MILITARY SERVICE.

2. The present war began, as to the United States, April 6, 1917. The special privileges given by the act accrue, as to each homestead claimant, on that date if he was already in the United States service; otherwise from the time, after that date, when he enlisted or shall enlist in the United States Army, Navy, or Marine Corps, or when, as a member of any other organization for offense or defense authorized by Congress, he was or shall be mustered into or engaged in the military or naval service of the United States. The benefits of the act do not extend to any persons not engaged in the service for offense or defense as set forth therein. In these instructions the word "soldier" will be used to indicate any person coming within the purview of the act.

3. The benefits of the act are conferred upon a person who, before going into the service, had actually made a homestead entry, had effected and maintained a valid settlement upon a tract properly subject to entry by him, or had filled an allowable application for the land. This last includes one who had filed a petition for designation under the enlarged homestead act or the stock-raising homestead law, accompanied by an application to enter, provided his entry be allowed pursuant to a designation made while the war lasts, and credit will be given for the service of such soldier had after the date of the designation. The act does not protect any entry from cancellation on account of defaults of the homesteader occurring before he went into the service.

PERIOD OF CREDIT ALLOWED—RESIDENCE REQUIRED.

4. A soldier is entitled to credit on the residence and cultivation prescribed by the homestead law for the time of his service during the war; but one whose discharge is on account of wounds received or disability incurred in the line of duty is entitled to credit for the entire term of his enlistment, without reference to the time of actual service. However, the homesteader will be required to show at least one year's residence and cultivation in connection with his entry, regardless of the length of his service or the fact that he has been discharged on one of the grounds indicated. During each year's residence which he may be required to show he is entitled to the five months' absence privilege like other homesteaders.

RIGHTS OF WIDOW, MINOR CHILDREN, HEIRS, OR DEVISEES.

5. If the soldier dies while actually engaged in the military or naval service of the United States, his widow, if unmarried, may at once submit proof on his entry, if one has been made; if there is no widow, or she has remarried, his minor children may, through their guardian, thus submit the proof; and if he leaves no widow, or the widow has remarried, and if all of his children, if any there be, are not minors, then proof may be submitted by his heirs in general or by his devisees, as the case may be.

In the event the soldier had not made entry for the land claimed, then the right to make entry therefor and submit proof accrues to the parties indicated at once or as soon as the land becomes subject to entry. In such proof it will be necessary only to prove the identity of the entryman, settler, or applicant with the soldier; that he died while actually engaged in the service, and that the person or persons submitting proof bear to him one of the relations mentioned. When the claim is based on settlement only, the facts with respect thereto must be shown, otherwise the manner and method of submitting final proof will follow the usual practice.

NO CREDIT WHERE CLAIM INITIATED AFTER ENTERING SERVICE.

6. Neither this act nor any other legislation contains a provision by which a person who initiates a homestead claim, by filing application or by making settlement on public land, *after* entering the Army, Navy, or Marine Corps, or other organization in the present war, may obtain credit in connection therewith on account of his service.

CONTEST—MUST PROVE ABSENCE NOT DUE TO MILITARY SERVICE.

7. No application hereafter filed to contest a homestead entry on the ground of abandonment will be allowed by you unless there is an allegation therein that the entryman's alleged absence from the land was not due to his employment in the Army, Navy, or Marine Corps, or other organization described in the act. No allegation of abandonment will be sustained against a homestead settler in connection with a contest initiated after April 6, 1917, unless it has been proved at the hearing, if one be had, that the entryman's alleged absence from the land was not due to his employment in military or naval service as indicated.

NOTICE TO LAND DEPARTMENT OF ENTERING MILITARY SERVICE.

8. While the law thus protects entrymen engaged in the military service from contests against their entries on the ground of abandonment and it is not obligatory upon them to advise the Land Department as to their reasons for leaving their claims, it is advisable that each shall notify the local United States Land Office of the facts in that regard.

FINAL PROOF BY ENTRYMAN IN MILITARY SERVICE.

9. The entryman, if desirous of submitting proof, may give his own testimony before any officer authorized to administer oaths and having an official seal at the place where he is then stationed, but the testimony of the witnesses must be taken within the proper county or land district and publication and posting of notice must be duly made. It is not obligatory upon the homesteader thus to submit the proof, though the period given by law for its submission be about to expire; he will be allowed a reasonable time after his discharge for that purpose.

SETTLER ON UNSURVEYED LAND—NOTICE OF ENLISTMENT.

10. Following the practice under the provisions of the act of July 3, 1916 (39 Stat., 341), any qualified person who in good faith makes settlement upon and improves unsurveyed, unreserved, unappropriated public land of the United States with intention to enter it under the homestead laws after survey thereof, who has plainly marked on the ground the exterior boundaries of the tract claimed by him, and who, as a soldier, becomes entitled to the benefits of the act of July 28, 1917, may file at the local United States Land Office a notice of his enlistment and that he claims the benefits of that act. A tract is regarded as unsurveyed within the meaning of the homestead laws until a survey has been accepted and the plat thereof filed.

11. You will give the current serial numbers to such notices, make due record of them on your serial number registers, with a plain notation at the top of the page that no entry has been made, and will forward the notices with your monthly returns. You will also make note of such papers on your tract books where the description of the land is given therein by section, township, range, and legal subdivisions.

CIRCULAR NO. 506 NOT SUPERSEDED.

12. These instructions do not supersede those of September 27, 1916 (Circular 506, 45 L. D., 488), relating to special privileges accorded homestead settlers on account of military service rendered in connection with operations in Mexico or along the border thereof or in mobilization camps elsewhere.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1917

CIRCULAR No. 569.

ISOLATED TRACTS—PARAGRAPHS 2 AND 5, CIRCULAR OF JANUARY 11, 1915 (43 L. D., 485), AMENDED.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, October 31, 1917.

Registers and receivers,
United States Land Offices.

SIRS: October 18, 1917, the department instructed this office as follows:

> The limitation contained in paragraphs 2 and 5 of the general regulations, circular of January 11, 1915 (43 L. D., 485), to the effect that no sale will be authorized upon the application of a person who has purchased under section 2455, Revised Statutes, or the amendments thereto, any lands, the area of which, when added to the area applied for, shall exceed approximately 160 acres, may be waived in cases where it is shown to your office upon satisfactory evidence that isolated tracts, not exceeding 120 acres each in area, are entirely surrounded by land owned by the applicant and have been isolated for five or more years. In such cases in addition to showing the above facts and complying with the other requirements of the said circular of January 11, 1915, applicant should be required to show that the lands are not valuable for farming, but are chiefly valuable for grazing or for special use in connection with the adjoining lands.

Applicants under this amendment must furnish proof of ownership of the land surrounding that applied for; also detailed evidence as to the character of the land applied for, particularly with respect to its comparative values for farming, grazing, and special use in connection with the adjoining lands, which evidence must consist of an affidavit by the applicant, corroborated by the affidavits of not less than two disinterested persons having actual knowledge of the facts.

You will be governed in other respects by the general regulations.

Very respectfully,

C. M. BRUCE,
Acting Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

25467°—17

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1917

NON-RESIDENCE HOMESTEADS IN IDAHO—ACT OF AUG. 10, 1917.

INSTRUCTIONS.

[Circular No. 566.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., August 25, 1917.

REGISTERS AND RECEIVERS, UNITED STATES LAND OFFICES IN IDAHO:

By section 10 of the act approved August 10, 1917 (Public No. 40), section 6, of the act of June 17, 1910 (36 Stat., 531), providing for a non-residence homestead in Idaho, was amended to read as follows:

SEC. 6. That whenever the Secretary of the Interior shall find any tracts of land in the State of Idaho, subject to entry under this act, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible he may, in his discretion, designate such tracts of land, not to exceed in the aggregate one million acres, and thereafter they shall be subject to entry under this act without the necessity of residence upon the land entered: Provided, That the entryman shall in good faith cultivate not less than one-sixteenth of the entire area of the entry which is susceptible of cultivation during the first year of the entry, not less than one-eighth during the second year, and not less than one-fourth during the third year of the entry and until final proof: Provided further, That after six months from the date of entry and until final proof the entryman shall be a resident of the State of Idaho.

EFFECT OF THE AMENDMENT.

(1) The amount of land which the Secretary of the Interior is authorized to designate as non-residence homestead land is increased from three hundred and twenty thousand acres to one million acres.

(2) One-sixteenth the area of the entry is required to be cultivated during the first year of the entry, whereas no cultivation during that year was formerly required; the cultivation requirements during the second, third, fourth, and fifth years remain unchanged, being one-eighth for the second year, and one-fourth for each succeeding year and until final proof is submitted.

(3) The former requirement that entryman after six months from date of entry and until final proof must reside not more than twenty miles from the land entered is so modified that the entryman need only be a resident of the State of Idaho during the said period.

(4) The provision for leave of absence has been eliminated and is obviously unnecessary, nor does the law as amended require that the entryman shall be personally engaged in cultivating the land and harvesting the crops.

ENTRIES ALLOWED PRIOR TO AMENDMENT.

The requirement of cultivation during the first year will not affect entries allowed prior to the amendatory act; on the other hand, after the date of the act, such entrymen may avail themselves of its provisions with respect to residence and personal employment in cultivating the land.

CLAY TALLMAN,
Commissioner.

Approved:

ALEXANDER T. VOGELSANG,
Acting Secretary.

RULE OF PRACTICE 95 AMENDED.

[Circular No. 567.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, October 2, 1917.

REGISTERS AND RECEIVERS, UNITED STATES LAND OFFICES:

September 28, 1917, Rule 95 of Practice was amended to read as follows:

RULE 95. Notice of all motions and proceedings before the Commissioner or Secretary, except as specified below, shall be served upon parties or counsel personally or by registered mail, and no motion will be entertained except on proof of service of notice thereof. As to motions for rehearing, petitions for certiorari and petitions for the exercise of supervisory authority before the Secretary, service of notice shall be made only after such proceeding has been entertained and service directed, as provided by Rule 83.

CLAY TALLMAN,
Commissioner.

ISOLATED TRACTS—PARAGRAPHS 2 AND 5, CIRCULAR OF JANUARY 11, 1915 (43 L. D., 485), AMENDED.

[Circular No. 569.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, October 31, 1917.

REGISTERS AND RECEIVERS, UNITED STATES LAND OFFICES:

October 18, 1917, the Department instructed this office as follows:

The limitation contained in paragraphs 2 and 5 of the general regulations, circular of January 11, 1915 (43 L. D., 485), to the effect that no sale will be authorized upon the application of a person who has purchased under section 2455, Revised Statutes, or the amendments thereto, any lands, the area of which, when added to the area applied for, shall exceed approximately 160 acres, may be waived in cases where it is shown to your office upon satisfactory evidence that isolated tracts, not exceeding 120 acres each in area, are entirely surrounded by land owned by the applicant and have been isolated for five or

more years. In such cases, in addition to showing the above facts and complying with the other requirements of the said circular of January 11, 1915, applicant should be required to show that the lands are not valuable for farming, but are chiefly valuable for grazing or for special use in connection with the adjoining lands.

Applicants under this amendment must furnish proof of ownership of the land surrounding that applied for; also detailed evidence as to the character of the land applied for, particularly with respect to its comparative values for farming, grazing, and special use in connection with the adjoining lands, which evidence must consist of an affidavit by the applicant, corroborated by the affidavits of not less than two disinterested persons having actual knowledge of the facts.

You will be governed in other respects by the general regulations.

C. M. BRUCE,
Acting Commissioner.

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

Legal Library

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PART II

Department of the Treasury

Fiscal Service, Bureau of Accounts

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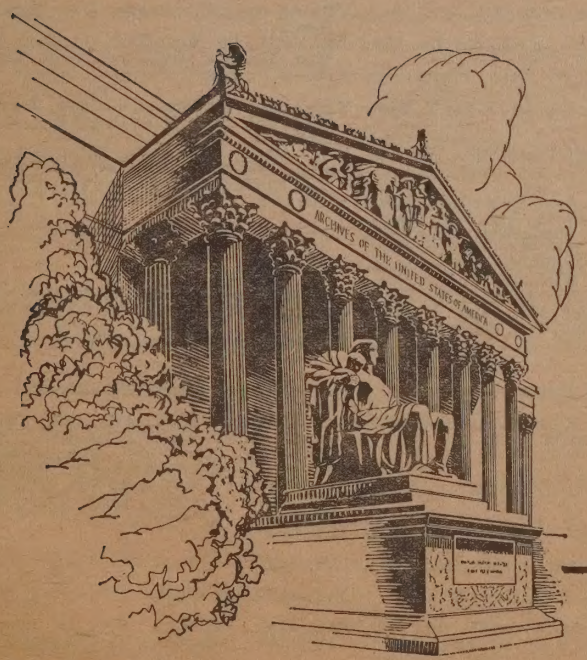
Circular 570; 1968 Revision



Surety Companies Acceptable on Federal Bonds

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Cir. 570; 1968 Rev.]

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

JUNE 1, 1968.

This circular will, in the future, be published as of July 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of this circular may be obtained from: Audit Staff, Bureau of Accounts, Treasury Department, Washington, D.C. 20226. Interim changes in this circular are published in the FEDERAL REGISTER as they occur.

The following companies, except where otherwise noted, have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated opposite their respective names.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Aetna Casualty and Surety Company, Hartford, Conn.	43,659	All	CONN.—All except Guam.
Aetna Insurance Company, Hartford, Conn.	13,540	All except C.Z.	CONN.—All except C.Z., Guam, Hawaii, Virgin Islands.
Agricultural Insurance Company, Watertown, N.Y.	2,066	All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, seIll., Ind., Ky., Md., Miss., N.C., Okla., Puerto Rico, Tenn., Virgin Islands, W. Va.
Allegheny Mutual Casualty Company, Meadville, Pa.	93	Alaska, Fla., Ind., La., Md., Mich., N.J., Ohio, Pa., Wis.	PA.—D.C., sFla., nIll., sInd., Md., eMich., N.J., Ohio, eVa., eWis.
Allied Insurance Company, Los Angeles, Cal.	562	Cal, Tex., Wash	CAL.—D.C., Tex.
Allied Mutual Insurance Company, Des Moines, Iowa.	1,817	Ariz., Colo., Idaho, Ill., Iowa, Kans., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Wis., Wyo.	IOWA—Ariz., Colo., D.C., Kans., Minn., Nebr., N. Dak., S. Dak.
Allstate Insurance Company, Skokie, Ill.	59,533	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	ILL.—cCal., Colo., Conn., D.C., mFla., nGa., sInd., Kans., eMich., sMiss., N.J., eN.Y., wN.C., nOhio, ePa., sTex., wVa., wWash., eWis.
American Automobile Insurance Company, San Francisco, Cal.	4,561	All except C.Z., Guam	MO.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
American Bonding Company, Los Angeles, Cal.	53	Cal., Iowa, Nebr., Nev	NEBR.—Ariz., Cal., D.C., Iowa, Nev., wWash.
American Casualty Company of Reading, Pennsylvania, Chicago, Ill.	3,460	All except C.Z., Guam, Virgin Islands	PA.—All except Guam, Virgin Islands.
American Credit Indemnity Company of New York, Baltimore, Md.	2,252	Cal., Colo., Conn., Del., Ill., Ind., Iowa, Ky., Me., Md., Mass., Minn., Mo., N.H., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., Vt., Wash., W. Va.	N.Y.—D.C.
American Employers' Insurance Company, Boston, Mass.	4,599	All except Guam	MASS.—All except Guam.
American Fidelity Company, Manchester, N.H.	429	Conn., Iowa, Me., Mass., Miss., N.H., R.I., Vt	VT.—All except C.Z., Guam, Kans., Puerto Rico, Virgin Islands.
American Fire and Casualty Company, Orlando, Fla.	477	Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.	FLA.—Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.
American and Foreign Insurance Company, New York, N.Y.	1,519	All except C.Z., Del., Guam, La., Oreg., Puerto Rico, S.C., Va., Virgin Islands.	N.Y.—D.C., Tex.
American General Insurance Company, Houston, Tex.	17,665	Ala., Ariz., Ark., Colo., D.C., Fla., La., Miss., N. Mex., Okla., Pa., Tenn., Tex.	TEX.—All except Conn., Del., Guam, Hawaii, Me., Mass., Mich., N.H., N.J., N.Y., Puerto Rico, R.I., Vt., Virgin Islands.
American Guarantee and Liability Insurance Company, Chicago, Ill.	1,097	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—Alaska, Cal., Conn., D.C., nFla., nsGa., nsIll., nInd., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nswTex., Vt.
American Home Assurance Company, New York N.Y.	2,423	Ala. (except official), Alaska, Ariz., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio., Okla., Pa., R.I., S.C. (fidelity only), S. Dak., Tenn., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	N.Y.—D.C.
American Indemnity Company, Galveston, Tex.	460	Ala., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Mich., Minn., Miss., Mo., Mont., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Va., Wis., Wyo.	TEX.—All except Alaska, wArk., C.Z., Guam, Hawaii, wMich., nOkla., Puerto Rico, Virgin Islands, wVa.
The American Insurance Company, Principal Office: Newark, N.J. Home Office: San Francisco, Cal.	9,846	All except C.Z., Guam	N.J.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
American International Insurance Company, New York, N.Y.[1]	558	All except C.Z., Guam, Virgin Islands	N.Y.—All except Guam, Virgin Islands.
American Manufacturers Mutual Insurance Company, Chicago, Ill.	1,072	All except C.Z., Del., Guam, Hawaii, La., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	N.Y.—All except nAla., Ark., C.Z., Conn., Del., Ga., Guam, Hawaii, Idaho, sIowa, Kans., La., Me., Md., Mo., Nebr., Nev., Oreg., mPa., Puerto Rico, S.C., S. Dak., Tenn., Tex., Utah, Va., Virgin Islands, wWis.
American Motorists Insurance Company, Chicago, Ill.	1,295	All except Del., Guam, Hawaii, Idaho, Oreg	Ill.—All except Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Nev., N. Mex., Oreg., Tenn., Virgin Islands, Wyo.
American Mutual Liability Insurance Company, Wakefield, Mass.	3,885	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MASS.—D.C.
American NationalFire Insurance Company, New York, N.Y.	1,105	All except C.Z., Conn., Del., Guam, La., Me., Mich., N.J., Puerto Rico, S.C., Virgin Islands.	N.Y.—All.
American Re-Insurance Company, New York, N.Y.	7,191	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except Guam.
American States Insurance Company, Indianapolis, Ind.	2,410	Alaska, Ariz., Ark., Cal., Colo., D.C., Fla., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N.J., N. Mex., N. Dak., Ohio, Okla., Pa., Tenn., Tex., Wash., W. Va., Wis.	IND.—Ariz., Cal., Colo., D.C., Ill., Iowa, Kans., Ky., Mich., Mo., Ohio, Okla., Pa., Tenn., Tex., W. Va., Wis.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Argonaut Insurance Company, Menlo Park, Cal.	1,348	All except C.Z., Conn., Del., Guam, Ky., Me., N.Y., Puerto Rico, Virgin Islands.	CAL.—D.C., nGa., Idaho, eLa.
Associated Indemnity Corporation, San Francisco, Cal.	1,280	All except C.Z., Guam	CAL.—nmAla., Ariz., Conn., Del., D.C., msFla., nGa., Ill., Ind., Kans., wKy., Me., Md., Mass., eMich., eMo., Mont., Nebr., Nev., N.H., N.J., sN.Y., N.C., Ohio, wOkla., Oreg., Pa., R.I., S.C., weTenn., Tex., Utah, eVa., Wash., eWis.
Altantic Insurance Company, Dallas, Tex.	432	Ala., Ariz., Ark., Cal., Ga., Ill., Ind., Kans., La., Md., Mo., Nev., N.J., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Utah.	TEX.—Ala., Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., nIowa, Kans., La., Mich., Mo., Nev., N.J., N. Mex., N.C., Ohio, Okla., ePa., S.C., Tenn., Utah.
Atlantic Mutual Insurance Company, New York, N.Y.	3,888	All except Ala., C.Z., Guam, Hawaii, La., Puerto Rico, Virgin Islands.	N.Y.—D.C.
Auto-Owners Insurance Company, Lansing, Mich.	2,033	Ala., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., N.C., N. Dak., Ohio, Pa., S.C., S. Dak., Tenn., Wis.	MICH.—D.C., nsFla., Ill., Ind., Iowa, Minn., Mo., N. Dak., Ohio, S. Dak.
Balboa Insurance Company, Los Angeles, Cal.	878	All except Ala., Ark., C.Z., Guam, Kans., La., Me., Mass., Miss., Nebr., N.H., N.J., N.C., N. Dak., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tenn., Vt., Va., Virgin Islands, W. Va., Wis.	CAL.—D.C.
Bankers Multiple Line Insurance Company, Chicago, Ill.	630	All except Alaska, C.Z., Del., Ga., Guam, Hawaii, Idaho, La., Me., N.H., N.C., Oreg., Puerto Rico, S.C., Tenn., Va., Virgin Islands.	IOWA—D.C.
Bankers and Shippers Insurance Company of New York, New York, N.Y.	1,309	All except C.Z., Guam, Hawaii, Me., Puerto Rico, Virgin Islands.	N.Y.—mAla., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, eKy., Me., Mass., Mich., Minn., sMiss., wMo., N.H., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.
Birmingham Fire Insurance Company of Pennsylvania, Pittsburgh, Pa.	382	All except Ark., C.Z., Del., Ga., Guam, Hawaii, Idaho, Mass., N.H., N.J., Puerto Rico, S.C., Tex., Virgin Islands.	PA.—D.C.
Boston Old Colony Insurance Company, New York, N.Y.	2,745	All except Guam	MASS.—Ala., Alaska, Ark., ncCal., Conn., Del., D.C., sFla., Ga., Hawaii, Idaho, Kans., La., Me., Md., Minn., Miss., eMo., Mont., Neb., N. Mex., wesN.Y., N.C., S.C., Wyo.
The Buckeye Union Insurance Company, Columbus, Ohio.	3,752	Ind., Ky., Mich., Ohio, Pa., Va., W. Va	OHIO—D.C., Ill., Ind., Ky., Mich., Minn., Pa., eTenn., Va., W. Va.
The Camden Fire Insurance Association, Camden, N.J.	3,420	Ala. (fidelity only), Alaska, Ariz., Ark., Cal., C.Z., Colo., Conn., D.C., Ill., Ind., Iowa, Kans., Ky., Md., Mass., Mich., Minn., Mo., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), Utah, Vt., Va., W. Va., Wyo.	N.J.—D.C.
Capitol Indemnity Corporation, Madison, Wis.	126	Ill., Iowa, Mich., Minn., Wis	WIS.—D.C., nGa., Ill., sInd., Iowa, Mich., Minn., wMo.
Cascade Insurance Company, Tacoma, Wash.	517	Cal., Hawaii, Idaho, Mont., Nev., Oreg., Utah, Wash	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The Celina Mutual Insurance Company, Celina, Ohio.	310	Colo., D.C., Ill., Ind., Kans., Ky., Md., Mich., Mo., Ohio, Pa., Va., W. Va., Wis.	OHIO—D.C.
Centennial Insurance Company, New York, N.Y.	1,212	All except Ala., C.Z., Guam, La., Puerto Rico, Virgin Islands.	N.Y.—D.C.
Central Mutual Insurance Company, Van Wert, Ohio.	1,431	All except Ala., Ark., C.Z., Guam, Hawaii, La., Nebr., N. Dak., Oreg., Puerto Rico, S. Dak., Tex., Virgin Islands, Wis.	OHIO—D.C.
The Charter Oak Fire Insurance Company, Hartford, Conn.	1,315	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	CONN.—eCal., D.C., sFla., sIowa, eMich., nMiss., N.J., esN.Y., sOhio, eTenn., Utah, eWis.
The Cincinnati Insurance Company, Cincinnati, Ohio.	502	Ala., Fla., Ga., Ind., Ky., Mich., Ohio, Pa., Tenn	OHIO—mAla., D.C., sFla., nGa., sInd., Ky.
Citizens Insurance Company of New Jersey, Hartford, Conn.	860	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.J.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Commercial Insurance Company of Newark, N.J., New York, N.Y.	2,308	All except Puerto Rico	N.J.—All except Guam.
Commercial Standard Insurance Company, Fort Worth, Tex.	531	Ala., Ariz., Ark., Cal., Colo., D.C., Fla., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Md., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N.C., N. Dak., Okla., Oreg., S. Dak., Tenn., Tex., Utah, Va., Wash., Wis., Wyo.	TEX.—All except Alaska, C.Z., Guam, Hawaii, Minn., Miss., Puerto Rico, S. Dak., Virgin Islands.
Commercial Union Insurance Company of New York, New York, N.Y.	13,011	All except C.Z., Guam	N.Y.—All except C.Z., Guam.
The Connecticut Indemnity Company, Hartford, Conn.	958	All except Alaska, C.Z., Del., Guam, Hawaii, Oreg., Puerto Rico, S.C., Va., Virgin Islands.	CONN.—All except Alaska, cesCal., C.Z., Guam, Hawaii, Nev., Oreg., Puerto Rico, Virgin Islands, Wash.
Consolidated Insurance Company, Indianapolis, Ind.	180	Ill., Ind., Ky., Mich., Ohio	IND.—D.C., Ill., Ky., Mich., Ohio.
Consolidated Mutual Insurance Company, Brooklyn, N.Y.	796	All except Ala., Alaska, C.Z., Del., Guam, La	N.Y.—D.C.
Continental Casualty Company Chicago, Ill.	36,394	All except Guam	ILL.—All except C.Z., Guam, Virgin Islands.
The Continental Insurance Company, New York, N.Y.	105,635	All except Guam	N.Y.—All except Guam.
Cosmopolitan Mutual Insurance Company, New York, N.Y.	1,047	Ala., Ark., Cal., Conn., D.C., Fla., Ga., Ill., Ind., La., Me., Md., Mass., Mich., Mo., N.H., N.J., N.Y., N.C., Okla., Pa., Puerto Rico, R.I., S.C., Tenn., Tex., Vt., Va., W. Va., Wis.	N.Y.—D.C.
Cumis Insurance Society, Inc., Madison, Wis.	431	All except Ark., C.Z., Conn., Del., Guam, Hawaii, Kans., N.C., N. Dak., Ore., Pa., Puerto Rico, S.C., Tex., Virgin Islands.	WIS.—nsAla., Colo., D.C., Fla., Ill., Md., Mich., Nev., Utah.
Emmco Insurance Company, South Bend, Ind.	2,098	All except Ala., Ark., C.Z., Conn., Del., Guam, Mass., Nev., N. Mex., Oreg., Puerto Rico, Virgin Islands.	IND.—D.C.
Empire Fire and Marine Insurance Company, Omaha, Nebr.	58	Ala., Alaska, Ariz., Colo., Hawaii, Ill., Iowa, Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., S. Dak., Utah, Vt., Wash., Wyo.	NEBR.—D.C.
Employers Casualty Company, Dallas, Tex.	1,376	Ariz., Ark., Cal., Colo., Ill., Ind., Iowa, Kans., Ky., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., Tex., Utah, Wash., Wyo.	TEX.—D.C.
The Employers' Fire Insurance Company, Boston, Mass.	2,078	All except C.Z., Guam	MASS.—All except C.Z., Guam.
Employers Mutual Casualty Company, Des Moines, Iowa.	1,930	All except Ala., C.Z., Conn., Del., Fla., Ga., Guam, Hawaii, Ky., La., Mass., Mont., Nev., Ore., Puerto Rico, Tenn., Utah, Virgin Islands, W. Va.	IOWA—Alaska, Colo., D.C., Ill., Ind., Kans., Md., Minn., Miss., Mo., Nebr., N.C., N. Dak., Ohio, Okla., Ore., Pa., S.C., S. Dak., Wis.
Employers Mutual Liability Insurance Company of Wisconsin, Wausau, Wis.	15,301	All except C.Z., Virgin Islands	WIS.—D.C.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Employers Reinsurance Corporation, Kansas City, Mo.	5,079	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—All except Guam.
Equitable Fire and Marine Insurance Company, Hartford, Conn.	2,841	All except Ala., Alaska, C.Z., Del., Ga., Guam, N.C., Ore., Puerto Rico, S.C., S. Dak., Virgin Islands, W. Va.	R.I.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Farmers Mutual Hail Insurance Company of Iowa, Des Moines, Iowa.	1,159	Iowa	IOWA—D.C.
Federal Insurance Company, New York, N.Y.	18,971	All	N.J.—All.
Federated Mutual Implement and Hardware Insurance Company, Owatonna, Minn.	1,554	All except Alaska, Cal., C.Z., Del., Guam, Hawaii, Idaho, La., Me., Mass., Nev., Ore., Pa., Puerto Rico, Tex., Virgin Islands, Wis.	MINN.—Ala., Ark., D.C., Fla., Ga., Ky., Miss., N.C., Okla., S.C., Tenn., Va., W. Va.
The Fidelity and Casualty Company of New York, New York, N.Y.	6,002	All except Guam, Virgin Islands	N.Y.—All except Guam, Hawaii, Virgin Islands.
Fidelity and Deposit Company of Maryland, Baltimore, Md.	8,184	All except Guam	MD.—All except Guam.
Fireman's Fund Insurance Company, San Francisco, Cal.	21,670	All except C.Z	CAL.—All except Guam.
Firemen's Insurance Company of Newark, New Jersey, New York, N.Y.	14,805	All except Puerto Rico	N.J.—All except C.Z.
First Insurance Company of Hawaii, Ltd., Honolulu, Hawaii.	1,013	Cal., Guam, Hawaii, Oreg	HAWAII—D.C.
The Fulton Insurance Company, New York, N.Y.	295	All except Ala., C.Z., Del., Guam, Idaho, Puerto Rico, Virgin Islands.	N.Y.—All except Ala., C.Z., Del., sGa., Guam, Idaho, Puerto Rico, Virgin Islands, eWash.
General Fire and Casualty Company, New York, N.Y.	874	All except C.Z., Guam, Puerto Rico	N.Y—D.C.
General Insurance Company of America, Seattle, Wash.	17,618	All except Virgin Islands	WASH.—All except Puerto Rico, Virgin Islands.
General Reinsurance Corporation, New York, N.Y.	10,501	All except C.Z., Guam, Puerto Rico	N.Y.—All except C.Z., Guam, Virgin Islands.
Glens Falls Insurance Company, Glens Falls, N.Y.	9,093	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Guam, Puerto Rico, Virgin Islands.
Globe Indemnity Company, New York, N.Y.	6,742	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Guam, Virgin Islands.
Grain Dealers Mutual Insurance Company, Indianapolis, Ind.	864	All except Ala., Alaska, C.Z., Del., Guam, Hawaii, Idaho, Me., Puerto Rico, S.C., Tenn., Virgin Islands.	IND.—eArk., Colo., D.C., Ill., Iowa, Kans., Nebr., Ohio, wOkla.
Granite State Insurance Company, Manchester, N.H.	512	All except C.Z., Del., Guam, Hawaii, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.H.—All except Guam, Puerto Rico.
Great American Insurance Company, New York, N.Y.	28,727	All	N.Y.—All.
Great Northern Insurance Company, Minneapolis, Minn.	732	Ariz., Colo., Ill., Minn., Mo., Mont., Nebr., Nev., N.Y., N. Dak., S. Dak., Wis., Wyo.	MINN.—D.C., nsIll., Iowa, Mo., Mont., N. Dak., S. Dak., Wis.
Greater New York Mutual Insurance Company, New York, N.Y.	2,673	All except Alaska, Ark., C.Z., Del., Guam, Hawaii, La., S.C., Tenn., Virgin Islands.	N.Y.—D.C.
The Guarantee Company of North America, New York, New York, N.Y.[3]	112	Cal., Ill., Ind., Iowa, Kans., Mass., Mich., Minn., N.J., N.Y., Ohio, Okla., Pa., R.I., Tex., Vt., Va.	N.Y.—D.C.
Guarantee Insurance Company, Los Angeles, Cal.	768	Alaska, Ariz., Ark., Cal., Colo., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N. Mex., N.Y., N.C., Okla., Tex., Utah, Va., Wash., Wyo.	CAL.—D.C.
Gulf American Fire and Casualty Company, Montgomery, Ala.	137	Ala., Fla., Ga., La., Miss., S.C., Tenn	ALA.—Alaska, D.C., mnGa., sMiss.
Gulf Insurance Company, Dallas, Tex	6,955	Ala., Ariz., Ark., Cal., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., La., Md., Mich., Miss., Mo., Nebr., Nev., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., S.C., Tenn., Tex., Utah, Wash., Wyo.	TEX.—Ala., Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., nIowa, Kans., La., Mich., Mo., N.J., N. Mex., N.C., Ohio, Okla., Pa., S.C., Tenn., Utah.
The Hanover Insurance Company, New York, N.Y.	4,459	All except C.Z., Guam, Puerto Rico	N.Y.—All except Guam.
Hardware Mutual Casualty Company, Stevens Point, Wis.	2,579	All except C.Z., Guam, Idaho, Puerto Rico, Virgin Islands.	WIS.—D.C.
Hartford Accident and Indemnity Company, Hartford, Conn.	25,953	All	CONN.—All except Guam, Virgin Islands.
Hartford Fire Insurance Company, Hartford, Conn.	67,094	All except C.Z	CONN.—Ariz., Cal., D.C., Guam, Hawaii, La., N.Y., Va.
Hawkeye-Security Insurance Company, Des Moines, Iowa.	912	Ariz., Colo., Conn., D.C., Fla., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N.J., N. Mex., N. Dak., Ohio, Okla., Pa., S. Dak., Tex., Utah, Va., Wis., Wyo.	IOWA—Colo., D.C., Fla., Ill., sInd., Kans., wMich., Mo., Nebr., N. Mex., S. Dak., Wyo.
Highlands Insurance Company, Houston, Tex.	779	All except C.Z., Conn., Del., Guam, Hawaii, Me., Mass., N.H., N.J., Puerto Rico, R.I., Vt., Virgin Islands, Wis.	TEX.—D.C., La.
The Home Indemnity Company, New York, N.Y.	3,344	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
The Home Insurance Company, New York, N.Y.	33,339	All except C.Z	N.Y.—Alaska, D.C., Guam, Puerto Rico., S.C.
Home Owners Insurance Company, Chicago, Ill.	129	Ala., Ariz., Fla., Ga., Idaho, Ill., Ind., Minn., Miss., Mo., Mont., Nev., Okla., Tenn., Wash.	Ill.—Ariz., D.C., sFla., eLa., Minn., Mont., eVa., wWash.
Hudson Insurance Company, New York, N.Y.	403	N.Y	N.Y.—D.C.
Illinois National Insurance Co., Springfield, Ill.	797	Ill., Ind., Iowa, Ky., Mo., Nebr., N. Mex., Ohio, Tex	Ill.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Indiana Bonding and Surety Company, Indianapolis, Ind.	67	Ind	IND.—D.C.
Indiana Insurance Company, Indianapolis, Ind.	826	Ill., Ind., Ky., Mich., Ohio	IND.—D.C., Ill., Ky., Mich., Ohio.
Industrial Indemnity Company, San Francisco, Cal.	2,192	All except C.Z., Conn., Ky., N.Y., N. Dak., Ohio, Puerto Rico, R.I., Va., Virgin Islands, W. Va.	CAL.—Alaska, Ariz., eArk., Colo., D.C., sFla., nGa., Hawaii, Idaho, nIll., sInd., eLa., Md., eMich., eMo., Mont., Nebr., Nev., N.J., N. Mex., wOkla., Ore., S. Dak., eTenn., Tex., Utah, Wash., Wyo.
Inland Insurance Company, Lincoln, Nebr.	385	Iowa, Kans., Minn., Nebr., S. Dak., Wyo	NEBR.—Ariz., Ark., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., eMo., Mont., Nev., N. Mex., N. Dak., Ohio, Okla., Ore., S. Dak., Tex., Utah, Wash., Wyo.
Insurance Company of North America, Philadelphia, Pa.	82,448	All	PA.—All except Guam.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Insurance Company of the State of Pennsylvania, New York, N.Y.	1,061	Ala. (exept official), Alaska, Ariz., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), S. Dak., Tenn., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	PA.—D.C.
International Fidelity Insurance Company, Newark, N.J.	45	Mass., Mich., N.J., N.Y., Pa	N.J.—All except Alaska, Guam, Virgin Islands.
International Insurance Company, New York, N.Y.	1,347	All except Ala., C.Z., Del., Guam, La., Miss., Ore., S.C., Virgin Islands.	N.Y.—D.C.
International Service Insurance Company, Fort Worth, Tex.	501	Alaska, C.Z., N. Mex., Tex	TEX.—D.C.
Iowa Mutual Insurance Company, De Witt, Iowa.	478	Colo., Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N.C., N. Dak., Okla., S.C., S. Dak., Wis., Wyo.	IOWA.—nAla., Colo., D.C., sIll., Kans., Minn., Mont., Nebr., wN.C., wOkla., Ore., S. Dak.
Jersey Insurance Company of New York New York, N.Y.	876	All except Alaska, Ariz., C.Z., Del., Guam, Hawaii, Me., Nev., H.N., N. Mex., N. Dak., Puerto Rico, Vt., Virgin Islands, W. Va., Wyo.	N.Y.—mAla., Ariz., Ark., D.C., nFla., nGa., sInd., sIowa, eKy., Mass., Mich., Minn., sMiss., wMo., N.J., Ohio wOkla., R.I., S. Dak., nwTex.
Kansas City Fire and Marine Insurance Company, Glens Falls, N.Y.	443	All except C.Z., Del., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—Ala., Alaska, Ark., Colo., D.C., Fla., Ga., Ill., Iowa, Kans., Minn., Nebr., Okla., S.C., Tex., Va., Wis., Wyo.
Lawyers Surety Corporation, Dallas, Tex.	91	Tex	TEX.—D.C.
Liberty Mutual Insurance Company, Boston, Mass.	21,013	All except Guam	MASS.—All except C.Z., Guam.
Lumbermens Mutual Casualty Company, Chicago, Ill.	8,284	All except C.Z., Guam, Puerto Rico, Virgin Islands	ILL.—All except C.Z., Guam, Hawaii, wLa., Puerto Rico; Virgin Islands.
Maine Bonding and Casualty Company, Portland, Me.	404	Conn., Me., Md., Mass., N.H., N.Y., R.I., Vt	ME.—Conn., D.C., Mass., N.H., R.I., Vt.
The Manhattan Fire and Marine Insurance Company, New York, N.Y.	1,311	All except C.Z., Conn., Del., Guam, La., Me., N. Dak., Ore., Puerto Rico, S.C., Tenn., Virgin Islands.	N.Y.—D.C.
Maryland American General Insurance Company, Houston, Tex.	1,011	N. Mex., Okla., Tex	TEX.—D.C., La., N. Mex., Okla.
Maryland Casualty Company, Baltimore, Md.	13,067	All except Guam	MD.—All except Guam.
Massachusetts Bay Insurance Company, Boston, Mass.	376	Cal., Colo., D.C., Fla., Ga., Ind., Iowa, Kans., Me., Md., Mass., Mo., N.H., N.Y., R.I., Tex., Vt., Wis., Wyo.	MASS.—Colo., D.C., Ga., Ind., Iowa, Kans., Me., Md., N.H., R.I., Tex., Vt., Wis., Wyo.
Merchants Mutual Bonding Company, Des Moines, Iowa.	39	Iowa, Kans., Mont., Nebr., Okla., S. Dak., Tex	IOWA—D.C., sIll., Nebr., wOkla.
Michigan Millers Mutual Insurance Company, Lansing, Mich.	1,162	All except Ala., Alaska, Ariz., C.Z., Ga., Guam, Hawaii, Idaho, La., Nev., N. Mex., Oreg., Puerto Rico, S.C., Virgin Islands, Wyo.	MICH.—eArk., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., eKy., Minn., Miss., Mo., Mont., Nebr., nwN.Y., N. Dak., Ohio, wOkla., S. Dak., wmTenn., Utah, wWash.
Michigan Mutual Liability Company, Detroit, Mich.	1,626	All except C.Z., Del., Guam, Hawaii, Me., Minn., Ore., Puerto Rico, S.C., Tenn., Virgin Islands, W. Va., Wyo.	MICH.—D.C.
Mid-Century Insurance Company, Los Angeles, Cal.	1,086	All except Ala., Alaska, C.Z., Conn., D.C., Guam, Hawaii, Ky., La., Me., Md., Mass., Miss., N.H., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S.C., Tenn., Va., Virgin Islands, W. Va.	CAL.—Ariz., Ark., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., Ore., S. Dak., Tex., Utah, Wash., Wis., Wyo.
The Millers Casualty Insurance Company of Texas, Fort Worth, Texas.	109	Ark., D.C., Fla., La., Miss., Mo., N. Mex., Okla., Tex	TEX.—Ark., D.C., Fla., La., Miss., Mo., N. Mex., Okla.
The Millers Mutual Fire Insurance Company, Harrisburg, Pa.	276	Ga., Ind., Ky., Mo., N.Y., N.C., Pa., R.I., S.C., Tex., Vt., W. Va.	PA.—D.C.
The Millers Mutual Fire Insurance Company of Texas, Fort Worth, Tex.	582	Ariz., Ark., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., N.H. (Reinsurance), N. Mex., N.Y., N. Dak., Ohio, Okla., Ore., Pa., S. Dak., Tenn., Tex., Utah, Va. (Reinsurance), Wis.	TEX.—All except Ala., Alaska, C.Z., Conn., Del., Guam, Hawaii, Idaho, Me., Md., Nev., N.H., N.J., N.C., mPa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, Wash., W. Va., eWis., Wyo.
Millers' Mutual Insurance Association of Illinois, Alton, Ill.	1,716	Ark., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., N.J., N.Y., N.C., N. Dak., Ohio, Okla., Pa., S.C., S. Dak., Tex., Vt., Va., Wash., W. Va., Wis., Wyo.	ILL.—nmAla., Ark., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N. Dak., S. Dak.
Millers National Insurance Company, Chicago, Ill.	429	All except Alaska, Ark., C.Z., Del., Guam, Hawaii, La., Md., Miss., N. Mex., Puerto Rico, Vt., Virgin Islands.	ILL.—Ariz., sCal., Colo., D.C., Ind., Iowa, Kans., Ky., Mass., Mich., Minn., Mo., Mont., Nev., N. Mex., N. Dak., R.I., S. Dak., nwsTex., Utah, wWis., Wyo.
Mutual Boiler and Machinery Insurance Company, Waltham, Mass.	1,111	Alaska, Ariz., Cal., Colo., Conn., D.C., Ind., Iowa, Ky., Mass., Mich., Minn., Mont., Nev., N.H., N.J., N. Mex., N.Y., N.C., R.I., Tex., Utah, Vt., W. Va., Wis., Wyo.	MASS.—D.C.
National Automobile and Casualty Insurance Company, Los Angeles, Cal.	303	Alaska, Ariz., Cal., Colo., Idaho, Ill., Ind., Kans., Ky., La., Mich., Mo., Mont., Nev., N. Mex., Okla., Ore., Tenn., Tex., Utah, Wash., Wyo.	CAL.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
National-Ben Franklin Insurance Company of Pittsburgh, Pa., New York, N.Y.	982	All except C.Z., Guam, Hawaii, Ore., Puerto Rico, Virgin Islands.	PA.—D.C., Md., W. Va.
National Casualty Company, Detroit, Mich.	1,000	All except Ala., Ariz., Ark., C.Z., Conn., D.C., Fla., Guam, Hawaii, Iowa, Kans., Me., Miss., Nev., N. Mex., N.C., Ohio, Okla., Ore., Puerto Rico, S.C., S. Dak., Tex., Va., Virgin Islands.	MICH.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
National Fire Insurance Company of Hartford, Chicago, Ill.	12,880	All except C.Z., Guam, Virgin Islands	CONN.—All except Ariz., C.Z., Guam, Nev., Virgin Islands.
National Grange Mutual Insurance Company, Keene, N.H.	1,793	Conn., D.C., Ill., Ind., Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., W. Va., Wis.	N.H.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
National Indemnity Company, Omaha, Nebr.	752	All except C.Z., Conn., Guam, Hawaii, Me., Mass., N.H., N.J., N.Y., Ohio, R.I., Vt., Virgin Islands.	NEBR.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The National Reinsurance Corporation, New York, N.Y.	3,054	All except Ala., C.Z., Conn., Fla., Ga., Guam, La., Me., Miss., Mo., N.C., Ore., Puerto Rico, S.C., S. Dak., Tenn., Va., Virgin Islands.	N.Y.—D.C., sOhio.
National Standard Insurance Company, Houston, Tex.	263	La., N. Mex., Tex	TEX.—D.C.
National Surety Corporation, Principal Office: New York, N.Y. Home Office: San Francisco, Cal.	6,404	All except Guam	N.Y.—All except Guam.
National Union Fire Insurance Company of Pittsburgh, Pa., Pittsburgh, Pa.	1,354	All except C.Z., Guam, Puerto Rico, Virgin Islands	PA.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
National Union Indemnity Company, Pittsburgh, Pa.	320	All except Ark., C.Z., Guam, Hawaii, Idaho, Me., Ore., Puerto Rico, Virgin Islands.	PA.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
Nationwide Mutual Insurance Company, Columbus, Ohio.	6,273	All except Cal., C.Z., Guam, Hawaii	OHIO—D.C.

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Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
New Hampshire Insurance Company Manchester, N.H.	4,183	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.H.—All except Guam.
New York Underwriters Insurance Company, New York, N.Y.	2,292	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Newark Insurance Company, New York, N.Y.	1,971	All except C.Z., Guam, Ore., Puerto Rico, Virgin Islands	N.J.—All except Alaska, nCal., C.Z., Guam, Hawaii, Idaho, Virgin Islands, Wyo.
Niagara Fire Insurance Company, New York, N.Y.	2,779	All except C.Z., Guam	N.Y.—All except C.Z., Guam.
North American Reinsurance Corporation, New York, N.Y.	3,733	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The North River Insurance Company, New York, N.Y.	6,308	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Northeastern Insurance Company of Hartford, Des Moines, Iowa.	741	Cal., Colo., Conn., Ill., Iowa, Kans., Mich., N.H., N.J., N.Y., Ohio, Okla., Tex.	CONN.—D.C.
The Northern Assurance Company of America, Boston, Mass.	1,683	All except C.Z., Guam	MASS.—All except C.Z., Guam, Virgin Islands, sW. Va.
Northern Insurance Company of New York, Baltimore, Md.	5,436	All except C.Z., Guam, Hawaii, La., Oreg., Puerto Rico, Virgin Islands.	N.Y.—D.C., Me.
Northwestern National Casualty Company, Milwaukee, Wis.	917	Ala., Ariz., Cal., Colo., D.C., Fla., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Mont., Nebr., N. Mex., Ohio, Okla., Pa., R.I., S. Dak., Tex., Wash., W. Va., Wis.	WIS.—nsAla., Ariz., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Mont., Nebr., N. Mex., Ohio, Okla., Pa., R.I., S. Dak., nesTex., Wash., W. Va.
Northwestern National Insurance Company of Milwaukee, Wisconsin, Milwaukee, Wisconsin.	5,273	All except C.Z., Guam, Virgin Islands	WIS.—All except C.Z., Guam, Virgin Islands.
The Ohio Casualty Insurance Company, Hamilton, Ohio.	5,243	All except Alaska, C.Z., Guam, Hawaii. Idaho, Me., N.Y., Puerto Rico. Virgin Islands.	OHIO—All except C.Z., Guam, Hawaii, Virgin Islands.
Ohio Farmers Insurance Company, LeRoy, Ohio.	2,185	Ariz., Cal., Colo., Conn., Del., D.C., Ill., Ind., Iowa Ky., Md., Mass., Mich., Minn., Mo., Nebr., Nev., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Pa., R.I., S. Dak., Va., W. Va., Wis.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Olympic Insurance Company, Los Angeles, Cal.	976	All except C.Z., Del., D.C., Guam, Md., Mass., N.J., N.Y., Ohio, Puerto Rico, R.I., S.C., Va., Virgin Islands, W. Va.	CAL.—D.C.
Oregon Automobile Insurance Company, Portland, Oreg.	691	Cal., Hawaii, Idaho, Nev., Oreg., Utah, Wash	OREG.—Cal., D.C., Hawaii, Idaho, Nev., Utah, Wash.
Pacific Employers Insurance Company, Los Angeles, Cal.	2,432	All except Ala., Ark., C.Z., Fla., Ga., Guam, Hawaii, La., Me., Mich., N.H., Puerto Rico, Virgin Islands.	CAL.—Ariz., Conn., Del., D.C., sFla., wKy., Md., Mass., N. Mex., N.Y., Ohio, R.I., wTex., W. Va., Wis.
Pacific Indemnity Company, Los Angeles, Cal.	3,059	All except C.Z., Guam, Virgin Islands	CAL.—All except Conn., Guam., Me., N.H., Vt., Virgin Islands.
Pacific Insurance Company, Limited, Honolulu, Hawaii.	846	Hawaii	HAWAII—D.C.
Pacific Insurance Company, of New York, New York, N.Y.	1,639	All except Alaska, C.Z., Guam, Hawaii, Me., Nev., N.H., N. Dak., Puerto Rico, S. Dak., Vt., Virgin Islands, W. Va., Wyo.	N.Y.—mAla., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, eKy., Me., Mass., Mich., Minn., sMiss., wMo., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.
Peerless Insurance Company, Keene, N.H.	725	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.H.—All except Guam, Hawaii, Virgin Islands.
The Pennsylvania Insurance Company, New York, N.Y.	2,573	All except C.Z., Guam, Puerto Rico	PA.—All except C.Z., Guam, Puerto Rico.
Pennsylvania Manufacturers' Association Insurance Company, Philadelphia, Pa.	2,215	Del., D.C., Md., N.J., N.Y., Ohio, Pa., W. Va	PA.—D.C.
Pennsylvania Millers Mutual Insurance Company, Wilkes-Barre, Pa.	1,068	D.C., Pa	PA.—D.C.
Pennsylvania National Mutual Casualty Insurance Company, Harrisburg, Pa.	1,409	Ala., Del., D.C., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Miss., Mo., Nebr., N.J., N.C., Ohio, Okla., Pa., R.I., S.C., Tenn., Tex., Utah, Va., W. Va., Wis.	PA.—D.C., Kans., Md., Mo., N.J., N.C., Okla., Tenn., Va.
Phoenix Assurance Company of New York, New York, N.Y.	2,151	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
The Phoenix Insurance Company, Hartford, Conn.	16,014	All except C.Z., Guam, Puerto Rico, Virgin Islands	CONN.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Planet Insurance Company, Philadelphia, Pa.	1,855	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	WIS.—All except C.Z., Guam, Virgin Islands.
Potomac Insurance Company, Philadelphia, Pa.	6,008	Ala. (fidelity only), Ariz., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Nebr., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Oreg., Pa., R.I., S.C., (fidelity only), Tenn., Tex., Utah, Va., Wash., W. Va., Wis., Wyo.	PA.—All except Ala., Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N. Dak., Oreg., Puerto Rico, S. Dak., Vt., Virgin Islands.
Protective Insurance Company, Indianapolis, Ind.	189	Ariz., Cal., Colo., D.C., Idaho, Ill., Ind., Iowa, Me., Mass., Mich., Minn., Miss., Mo., Nebr., Nev., N.J., N.C., Ohio, Okla., Pa., Tenn., Tex., Utah, Wash., Wis., Wyo.	IND.—D.C.
Providence Washington Insurance Company, Providence, R.I.	1,715	All except C.Z., Del., Guam, Idaho, La., Oreg., Puerto Rico, Virgin Islands.	R.I.—Conn., D.C., Mass., N.H., N.J., N.Y., Pa., Vt.
The Prudential Insurance Company of Great Britain Located in New York, New York, N.Y.	915	N.Y.	N.Y.—D.C.
Public Service Mutual Insurance Company, New York, N.Y.	1,906	Conn., Del., D.C., Fla., Ga., Idaho, Ill., Iowa, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Pa., R.I., Vt., Va., W. Va., Wis.	N.Y.—D.C., sFla., ePa., wTex.
Queen Insurance Company of America, New York, N.Y.	4,924	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Idaho, Virgin Islands, Wyo.
The Reinsurance Corporation of New York, New York, N.Y.	3,857	Alaska, Ark., Cal., Colo., Del., D.C., Ga., Idaho, Ill., Ind., Iowa, Kans. (reinsurance only), Ky., La. (reinsurance only), Me., Md., Mass. (reinsurance only), Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H. (reinsurance only), N.J., N.Y., N.C., N. Dak., Ohio, Okla., R.I., S.C., Tex. (reinsurance only), Utah, (reinsurance only), Vt., Va., (reinsurance only), Wash., W. Va., Wis., Wyo.	N.Y.—D.C.
Reliance Insurance Company, Philadelphia, Pa.	22,966	All except Guam	PA.—All except Guam.
Republic Insurance Company, Dallas, Tex.	1,842	All except Ala., Alaska, C.Z., Fla., Guam, Hawaii, Me., Mass., Mont., Nev., N.H., N. Dak., Puerto Rico, R.I., S.C., S. Dak., Vt., Virgin Islands, Wyo.	TEX.—D.C.

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Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Resolute Insurance Company, Hartford, Conn.	906	All except C.Z., D.C., Guam, La., N.Y., Puerto Rico, Virgin Islands.	R.I.—All except wArk., C.Z., mGa., Guam, Hawaii, La., Me., wMich., nMiss., nwN.Y., N.C., Oreg., Puerto Rico, S.C., S. Dak., weTenn., Utah, Vt., wVa., Virgin Islands, nW. Va., wWis.
Royal Indemnity Company, New York, N.Y.	5,242	All	N.Y.—All except Guam, Virgin Islands.
Safeco Insurance Company of America, Seattle, Wash.	4,744	Ala. (fidelity only), Ariz., Ark., Cal., Colo., Conn., D.C. (fidelity only), Idaho, Ill., Ind., Iowa, Kans., Md. (fidelity only), Mich., Minn., Miss. (fidelity only), Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.C., N. Dak., Okla., Oreg., Pa., R.I., S. Dak., Tex., Utah, Wash., W. Va., Wis., Wyo.	WASH —D.C.
Safeguard Insurance Company, New York, N.Y.	1,788	All except C.Z., Del., Guam, Puerto Rico, Virgin Islands.	CONN.—All except Ark., C.Z., Ga., Guam, Ky., La., Miss., N.C., Okla., Puerto Rico, S.C., Tenn., nweTex., Vt., Virgin Islands, wVa., W. Va.
St. Paul Fire and Marine Insurance Company, St. Paul, Minn.	17,617	All except C.Z., Guam	MINN.—All except Guam.
Seaboard Surety Company, New York, N.Y.	3,152	All except Guam	N.Y.—All except Guam.
Security Insurance Company of Hartford, Hartford, Conn.	3,596	All except C.Z., Guam, Virgin Islands	CONN.—All except Alaska, cesCal., C.Z., sFla., sGa., Guam, Hawaii, seIll., sIowa, Kans., wLa., wMich., nMiss., Nev., neN.Y., N. Dak., Oreg., Puerto Rico, S. Dak., meTenn., Vt., Virgin Islands, eWash., sW. Va., wWis.
Security National Insurance Company, Dallas, Tex.	362	Ark., Cal., Colo., Ind., Mich., Okla., Tex., Wash., Wis.	TEX.—All except C.Z., Guam, Mont.
Select Insurance Company, Dallas, Tex.	529	Colo., Fla., Okla., Tex., Wyo	TEX.—Ala., Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., nIowa, Kans., La., Mich., Nev., N.J., N. Mex., N.C., Okla., Pa., S.C., Tenn., Utah, Wyo.
Southern General Insurance Company, Allentown, Pa.	226	Ark., Cal., Colo., Del., D.C., Nev., Fla., Ga., Ill., Ind., Md., Miss., Mo., N.J., N.C., Pa., R.I., S.C., Tex., Utah, Wash., Wis.	GA.—Ariz., Cal., D.C., nsFla., nInd., Md., sMiss., N.J., mwN.C., ePa., enTex.
The Standard Fire Insurance Company, Hartford, Conn.	2,936	All except Ala., C.Z., Del., Guam, La., N.J., Puerto Rico, Tenn., Virgin Islands, W. Va.	CONN.—All except C.Z.
State Automobile Mutual Insurance Company, Columbus, Ohio.	2,062	Ala., Fla., Ga., Kans., Ky., Md., Mich., Miss., Mo., N.J., N.C., Ohio, Pa., S.C., Tenn., Va., W. Va.	OHIO—D.C., Ky., Md., Mich., Tenn., W. Va.
State Surety Company, Des Moines, Iowa.	59	D.C., Iowa., Kans., Minn., Mo., Nebr., S. Dak	IOWA—eArk., D.C., sFla., Ill., Kans., eLa., wMich., Minn., Mo., Nebr., sN.Y., N. Dak., nOhio, nOkla., S. Dak.
Statesman Insurance Company, Indianapolis, Ind.	216	Ala., Ill., Ind., Iowa., La., Md., Miss., Pa., Tenn	IND.—Colo., D.C., Ill., nIowa, Kans., eLa., Minn., wMo., Nebr., wOkla., wmPa., S. Dak.
The Stuyvesant Insurance Company, Allentown, Pa.	872	All except C.Z., Guam, Hawaii, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
The Summit Fidelity and Surety Company, Chicago, Ill.	59	All except Ark., Cal., C.Z., Conn., D.C., Ga., Guam, Hawaii, Idaho, Me., Md., Mass., Miss., Mont., N.H., N.Y., N.C., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tex., Virgin Islands, W. Va.	OHIO—Ariz., Colo., D.C., Fla., Ill., Ind., Iowa, Kans., Ky., La., eMich., Miss., Mo., Nebr., N.J., N. Mex., Okla., ePa., wTenn., wWash., Wis.
Sun Insurance Company of New York, New York, N.Y.	633	All except Ala., Alaska, Ariz., C.Z., Colo., Fla., Ga., Guam, Hawaii, Idaho, Ind., Kans., La., Miss., Nebr., Nev., N.C., N. Dak., Puerto Rico, S.C., S. Dak., Utah., Virgin Islands, W. Va.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Superior Insurance Company, Indianapolis, Ind.	552	Ala., Ariz., Cal., Colo., Ga., Ind., Mich., N. Mex., Okla., Tex., Utah, Wyo.	TEX.—sCal., Colo., D.C., Okla.
Superior Risk Insurance Company, LeRoy, Ohio	933	Ariz., Cal., Colo., Conn., Del., D.C., Ill., Ind., Iowa, Ky., Md., Mass., Mich., Minn., Nev., N.J., N.Y., Ohio, Pa., R.I., Tenn., Va., W. Va., Wis.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Traders & General Insurance Company, Dallas, Texas.	148	Colo., Kans., La., Miss., Mo., N. Mex., Okla., Tex	TEX.—D.C.
Transamerica Insurance Company, Los Angeles, Cal.	5,389	All except Guam	CAL.—All except C.Z., Guam, Virgin Islands.
Transcontinental Insurance Company, Chicago, Ill.	3,902	All except C.Z., Del., Guam, Hawaii, La., Oreg., Virgin Islands.	N.Y.—All except Alaska, C.Z., Del., msGa., Guam, Hawaii, La., Miss., Oreg., Puerto Rico, S.C., Vt., Virgin Islands.
Transit Casualty Company, St. Louis, Mo.	988	All except C.Z., Guam, N.Y., Puerto Rico, Virgin Islands	MO.—D.C.
Transport Indemnity Company, Los Angeles, Cal.	813	All except C.Z., Guam, Puerto Rico, Virgin Islands	CAL.—All except Alaska, C.Z., Guam, eKy., eLa., Nev., nwN.Y., eOkla., Puerto Rico, mTenn., wVa., Virgin Islands, nW. Va.
Transportation Insurance Company, Chicago, Ill.	992	All except C.Z., Guam, Hawaii, Puerto Rico, S.C., Virgin Islands.	ILL.—All except Alaska, nCal., C.Z., Conn., sFla., Guam, Hawaii, eKy., Minn., wMo., Nev., N.H., wN.Y., Ohio, ePa., Puerto Rico, S. Dak., Virgin Islands, wWash., nW. Va., Wis.
The Travelers Indemnity Company, Hartford, Conn.	25,000	All except Guam	CONN.—All except Guam.
Trinity Universal Insurance Company, Dallas, Tex.	2,166	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mont., Nev., N.H., N.J., N.Y., Puerto Rico, R.I., S.C., Tenn., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	TEX.—All except Guam.
Tri-State Insurance Company, Tulsa, Okla.	369	All except Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.	OKLA.—All except Cal., C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.
Twin City Fire Insurance Company, Hartford, Conn.	855	All except C.Z., Guam, Puerto Rico, Virgin Islands.	MINN.—sCal., Conn., D.C., La., Va.
United Bonding Insurance Company, Indianapolis, Indiana.	68	All except C.Z., Conn., Guam, N.Y., Puerto Rico, Virgin Islands, W. Va.	IND.—All except nAla., C.Z., Del., Guam, Hawaii, Me., Mass., Mont., wnN.Y., N. Dak., Puerto Rico, Virgin Islands.
United Fire and Casualty Company, Cedar Rapids, Iowa.	184	Ariz., Colo., Ill., Iowa, Minn., Mo., Mont., Nebr., N. Dak., S. Dak., Wis., Wyo.	IOWA—D.C., nsIll., Minn., Mo., Nebr., S. Dak., Wis.
United Pacific Insurance Company, Tacoma, Wash.	2,163	All except Ala., C.Z., Conn., Del., Ga., Guam, La., Me., Md., Mass., N.J., N.C., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands.	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
United States Fidelity and Guaranty Company, Baltimore, Md.	45,434	All except Guam	MD.—All except Guam.
United States Fire Insurance Company, New York, N.Y.	10,667	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Universal Surety Company, Lincoln, Nebr.	227	Ariz., Colo., Iowa, Kans, Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., S. Dak., Utah, Wash., Wyo.	NEBR.—Ariz., Colo., D.C., Iowa, Kans., Minn., Mo., Mont., N. Mex., N. Dak., wOkla., S. Dak., nTex., Utah, Wyo.
Utica Mutual Insurance Company, Utica, N.Y.	2,310	All except Alaska, C.Z., Guam, Hawaii, Kans., La., Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Me., Puerto Rico, Virgin Islands.
Valley Forge Insurance Company, Chicago, Ill.	1,114	All except Alaska, Cal., C.Z., Del., Fla., Guam, Hawaii, Idaho, Kans., Ky., La., Nebr., N.H., N. Mex., N.C., Oreg., Puerto Rico, S. Dak., Tenn., Virgin Islands, Wyo.	PA.—All except Guam, Virgin Islands, Wis.
Vigilant Insurance Company, New York, N.Y.	1,802	All except Alaska, C.Z., Hawaii	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
West American Insurance Company, Hamilton, Ohio.	1,104	Ariz., Ark., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Mo., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., Pa., Utah, Va., Wash., Wis., Wyo.	CAL.—Ala., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., eLa., Md., Mich., Minn., Mo., Nev., N. Mex., N. Dak., Ohio, nOkla., Oreg., Pa., mTenn., Tex., Utah, Va., Wash., Wis., Wyo.
Westchester Fire Insurance Company, New York, N.Y.	6,191	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The Western Casualty and Surety Company, Fort Scott, Kans.	3,789	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Mass., N.H., N.Y., N.C., Pa., Puerto Rico, R.I., Vt., Va., Virgin Islands, W. Va.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
The Western Fire Insurance Company, Fort Scott, Kans.	2,472	Ariz., Ark., Cal., Colo., Fla., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Miss., Mo., Nebr., Nev., N. Mex., N.Y., N. Dak., Ohio, Okla., S. Dak., Tenn., Utah, Wash., Wis., Wyo.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
Western Pacific Insurance Company, Seattle, Wash.	347	Alaska, Ariz., Cal., Colo., Idaho, Mont., Nev., Oreg., Utah, Wash., Wyo.	WASH.—Alaska, Ariz., Cal., Colo., D.C., Idaho, wMich., Mont., Nev., N. Mex., sN.Y., Ore., Utah, Wyo.
Western Surety Company, Sioux Falls, S. Dak.	996	All except Alaska, C.Z., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands.	S. DAK.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Wisconsin Surety Corporation, Madison, Wisconsin.	48	Wis.	WIS.—D.C.
Wolverine Insurance Company, Battle Creek, Mich.	1,098	Alaska, Ark., Cal., Fla., Ga. (surety only), Ill., Ind., Iowa, Md. (surety only), Mich., Minn., Nebr., Nev., N. Mex., N. Dak., Ohio, Pa., S. Dak., Vt., W. Va., Wyo.	MICH.—D.C., Ga., Ill., Ind., Iowa, Minn., Ohio, S. Dak.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY AS ACCEPTABLE REINSURING COMPANIES UNDER TREASURY CIRCULAR NO. 297, DATED JULY 5, 1922, AS AMENDED

Names of Companies	Underwriting limitations (net limit on any one risk) (In thousands of dollars)	Judicial Districts in which process agents have been appointed
Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, N.Y.)	1,899	D.C.
Alliance Assurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	634	D.C.
Atlas Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	739	D.C.
Constellation Reinsurance Company, New York, N.Y.[2]	1,614	D.C.
The Employers' Liability Assurance Corporation, Limited, London, England (U.S. Office, Boston, Mass.)	8,800	D.C.
General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland (U.S. Office, Philadelphia, Pa.)	11,766	D.C.
General Security Assurance Corporation of New York, New York, N.Y.	543	D.C.
The London Assurance, London, England (U.S. Office, New York, N.Y.)	869	D.C.
London Guarantee and Accident Company, Ltd., London, England (U.S. Office, New York, N.Y.)	1,525	D.C.
The London & Lancashire Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	739	D.C.
The Marine Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	545	D.C.
Metropolitan Fire Assurance Company, Hartford, Conn	255	D.C.
Munich Reinsurance Company, Munich, Germany (U.S. Office, New York, N.Y.)	1,080	D.C.
The Netherlands Insurance Company, Est. 1845, The Hague, Holland (U.S. Office, Keene, N.H.)	627	D.C.
Rochdale Insurance Company, New York, N.Y.	235	D.C.
Royal Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	3,770	D.C.
The Sea Insurance Company, Limited, of Liverpool, England (U.S. Office, New York, N.Y.)	833	D.C.
The Skandia Insurance Company, Stockholm, Sweden (U.S. Office, New York, N.Y.)	964	D.C.
Sun Insurance Office, Limited, London, England (U.S. Office, New York, N.Y.)	978	D.C.
Swiss Reinsurance Company, Zurich, Switzerland (U.S. Office, New York, N.Y.)	3,352	D.C.
Transatlantic Reinsurance Company, New York, N.Y.	151	D.C.
The Unity Fire and General Insurance Company, New York, N.Y.	463	D.C.
Zurich Insurance Company, Zurich, Switzerland (U.S. Office, Chicago, Ill.)	7,701	D.C.

[1] Formerly Fidelity-Phenix Insurance Company. Name changed effective August 25, 1967.

[2] Formerly Constellation Insurance Company. Name changed effective December 29, 1967.

[3] Formerly the U.S. Branch of the Guarantee Company of North America, Montreal, Canada. Domesticated effective September 30, 1967.

[4] Formerly St. Paul Mercury Insurance Company. Name changed effective December 31, 1967 (See FEDERAL REGISTER January 19, 1968, p. 703 for details).

NOTES

(a) All certificates of authority expire June 30, and are renewable July 1, annually.

(b) Treasury regulations do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation and excess risks must be protected by reinsurance, co-insurance, or other methods in accordance with Treasury regulations. When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of Treasury Form BA 6308 (formerly Form 369) to be filed with the bond or within 45 days thereafter. Risks in excess of limit fixed herein must be reported for quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) A surety company must be licensed in the State or other area in which it executes (signs) the bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed (28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR Part 222). The term "other areas" includes the Canal Zone, Guam, Puerto Rico, and the Virgin Islands.

(d) Abbreviated capital letters preceding judicial districts indicate State in which the company is incorporated. Process agents are required in the following districts: Where principal resides; where obligation is to be performed; and where bond is returnable or filed. No process agent required in State wherein company is incorporated. Letters "n, s, e, m, c, and w" preceding names of States indicate respectively the Northern, Southern, Eastern, Middle, Central and Western judicial districts of States indicated. If letters do not precede names of States, process agents have been appointed in all judicial districts of such States.

[F.R. Doc. 68-6885; Filed, June 10, 1968; 8:48 a.m.]

In reply please refer to Circular No. 571.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington November 8, 1917.

RETURNS : Transmittal of closed applications involving petitions for designation.

Registers and Receivers,

United States Land Offices.

Sirs:

Amended by Circ. 591

Hereafter, upon transmittal, please arrange all closed applications to enter where petitions for designation are involved in a separate package with your monthly returns, reporting the same on a separate schedule, in duplicate, entitled "Closed Applications Involving Petitions for Designation." The serial numbers of such applications must also appear in proper numerical order upon the "Schedule of Rejected and Closed Cases"with notation "See Supplemental Schedule."

The above instructions are necessary to facilitate action on the petitions in this office and the Geological Survey.

You will continue to transmit petitions for designation separate from your returns, observing care to note upon the original and duplicate copy of each petition the serial number of the suspended application to enter and the serial number of the original entry, if any, involved.

Please note that these instructions amend paragraph 64, Circular No. 105, only as to transmittal of closed applications where petitions for designation are involved. All other papers comprising your monthly returns will be arranged as instructed by said circular.

Acknowledge receipt hereof on the inclosed postal card.

Very respectfully,
D. K. PARROTT,
Acting Assistant Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

(8467)

ALLOTMENTS TO INDIANS AND ESKIMOS IN ALASKA—AMENDMENT TO CIRCULAR 491.

[Circular No. 572.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, November 6, 1917.

REGISTERS AND RECEIVERS, CHIEF OF FIELD DIVISION, AND SUPERINTENDENT OF U. S. PUBLIC SCHOOLS, DISTRICT OF ALASKA:

You are advised that Circular of Instructions No. 491, relating to the acquisition of title to public lands in the District of Alaska, approved July 19, 1916, is hereby amended as follows:

Paragraphs 8 and 9, page 20, of said circular 491 (45 L. D., 227, 246), are hereby eliminated and the following substituted in lieu thereof:

8. The application for allotment and all papers filed in connection therewith, will, when in due form, be referred by the local office to the Chief of the Alaskan Field Division, who will dispose of them as hereinafter set forth.

Upon receipt of the record from the local office, the Chief of Field Division will call on the Superintendent of the United States Public Schools, Bureau of Education, for the district in which the proposed allotment is situated for a report covering such information as he may have in regard to the allotment and particularly covering the following points:

(*a*) The location of the land, if necessary, to furnish a more accurate description than given in the application,

(*b*) The special value of the tract, either for agricultural uses or fishing grounds.

(*c*) What, if any, residence has been maintained on the tract by the applicant.

(*d*) The value and character of all improvements thereon.

(*e*) The fitness of the land as a permanent home for the allottee.

(*f*) The competency of the applicant to manage his own affairs.

(*g*) The presence or absence of any adverse claims, and, if any such claims exist, a description thereof.

(*h*) Such other information as may serve to aid in determining whether the application should be allowed, either in whole or in part, together with his recommendation as to the proper action in the premises.

9. Upon the receipt of the report of the District Superintendent, the Chief of Field Division will, if in his judgment the report is sufficient, transmit it to the General Land Office with his approval or disapproval of the recommendation therein made, with such suggestions as to the application as may seem to him appropriate. If the report does not fully cover all the facts, the Chief of Field Division will either return it to the District Superintendent for further information or direct an investigation by a special agent of his office, as in his judgment may be deemed best.

CLAY TALLMAN,
Commissioner.

Approved, November 14, 1917.
FRANKLIN K. LANE,
Secretary.

Lo Circ. 755

CIRCULAR No. 573.

EXECUTION OF AFFIDAVITS BEFORE COMMANDING OFFICER—ACT OF OCTOBER 6, 1917.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., November 19, 1917.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Your attention is directed to the act of October 6, 1917 (Public, No. 71, 65th Cong.), which reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the continuance of the present war with Germany, and until his discharge from service, any man serving in the armed forces of the United States who, prior to the beginning of his services, was a settler, an applicant, or entryman under the land laws of the United States, or who has, prior to enlistment, filed a contest with the view of exercising preference right of entry therefor, may make any affidavit required by law or regulation of the department, affecting such application, entry, or contest, or necessary to the making of entry in the case of the successful termination of such contest awarding him preference right of entry, before his commanding officer as provided in section twenty-two hundred and ninety-three of the Revised Statutes of the United States, which affidavits shall be as binding in law and with like penalties as if taken before the Register of the United States Land Office.

2. Since the enactment of section 2293, United States Revised Statutes, an applicant for homestead entry has been permitted to execute his application before his commanding officer where it is shown that his wife or minor child *is residing* on the land in question. The law is not changed by the present legislation and an application may, under those circumstances, be thus executed, even though the homestead claim was not initiated, by settlement or otherwise, before the applicant's entrance into the military service. In such cases the nonmineral affidavit may be executed by the wife or by a minor child if he is of such age as to intelligently make the required oath. However, if the claim was not initiated prior to the man's enlistment no credit may be given on account of the period of his service.

3. The present act extends the privilege of executing an affidavit in connection with a claim under *any* of the public-land laws before the party's commanding officer only to such persons as had initiated their claims *prior to enlistment*. If this had not been done by the filing of an application for the land or of a contest against a pending entry therefor, and the claim is based only on an alleged settlement under the homestead laws or on possession held pursuant to the desert-land laws, he must, in the first affidavit executed by him under the provisions of this act, set forth the facts showing its initiation prior to his entrance into the service.

27792°—17

4. In the case of voluntary entrance of privates into the Army, Navy, or Marine Corps, or appointment of officers (including those appointed from the Officers' Training Corps), the enlistment mentioned in the act dates from that time; in the case of a person enlisted in the Naval Reserve, from the time he is called into active service; in the case of a drafted man, from the time he is mustered into service; in the case of members of the Federalized National Guard, from the time they are mustered into the United States service, and the act has no application to other State troops; in the case of members of the Red Cross, only from the time they actually become identified with, and a part of, the military or naval forces of the United States, and the act does not apply to other members of the Red Cross.

5. The provisions of the act cover all affidavits required to be executed by a claimant under the public land laws in connection with final proof on his claim, but the testimony of any witnesses required by law must be given in the manner and at the place indicated by general statutory provisions. The published and posted notice of intention to submit proof must name the time and place where the witnesses will testify, and must contain a statement that the claimant himself will testify before his commanding officer pursuant to the provisions of this act, but no attempt need be made to indicate the time or place where claimant's testimony will be submitted. In such cases you will wait a reasonable time for the arrival of the claimant's testimony, and if this does not come to hand you will forward to this office for consideration all papers received by you.

6. The term "commanding officer," used in the act, signifies the officer who commands the smallest unit in which the party serves. Often the matter of determining the proper officer will depend upon the circumstances of the case, but it may be mentioned, by way of illustration, that the captain of a company would primarily be regarded as such officer, where the party is serving in the fighting forces of the Army.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1917

CIRCULAR NO. 574.

PERSONS IN MILITARY SERVICE—INSTALLMENT PAYMENTS ON ENTRIES OF CEDED INDIAN LANDS—INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., November 20, 1917.

REGISTERS AND RECEIVERS,
United States Land Offices.

Sirs: Where a person has entered or shall enter land formerly embraced in an Indian reservation, for which he is required to pay a certain price per acre for the benefit of the Indians, and thereafter has entered, or shall enter, the military or naval service of the United States, the entry will not be canceled on account of the failure of the soldier or sailor to make the payments of any amounts falling due during the term of his enlistment, but it will be held suspended, pending consideration by Congress of legislation designed to extend the time for such payments beyond the period of military service or the existing war.

2. The question whether such entrymen shall be required to pay interest, except as required by existing laws, will depend on the terms of the legislation which Congress may enact.

3. In cases where the entryman has filed notice of his entrance into the military or naval service as permitted by paragraph 8 of the circular of instructions of August 22, 1917, issued under the act of July 28, 1917, you will nevertheless call upon him for the payment when due, but will in your notice inform him that if he is unable to pay on account of his employment in the military service he should advise you to that effect. In all cases where there is response by him, or on his behalf, that he has entered the military or naval service, you will forward the papers to this office with your report.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

29900°—17

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1917

In reply please refer to Circular No. 577,

RECEIVED
LAND OFFICE
BILLINGS, MONT.
DEC 4 1917
Date
Hour 12 M.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

December 7, 1917.

Soldiers additional applications.

Registers and Receivers,
U.S. Land Offices.

Sirs:

In numerous applications for making entry under sections 2306 and 2307 Revised Statutes, commonly known as "Soldiers'additional homestead entries", the spaces provided for data concerning the original homestead entry, the military service of the homesteader and the citizenship of the applicant, are either left entirely blank or only partially filled, thus causing unnecessary work and delay in this office in looking up such facts which should be furnished by the applicant, and supplied to him by the dealers from whom he purchases the rights.

You are, therefore, directed to require all blanks in such applications (form 4-008a) to be filled in before accepting the application. You will then make the proper notations on your records, date and sign the certificate printed at the foot of the application, and forward the papers, whether the right be certified or uncertified, as directed in circular No. 429, dated August 5, 1915(unpublished). An application by a married woman must allege the facts concerning her husband's citizenship, and if he is not a native-born citizen of the United States, the proper record evidence of his naturalization must be furnished.

Many registers also fail to observe the difference between a soldier's additional entry and an ordinary homestead, by erroneously issuing the final certificate on form 4-196.

As a soldier's additional application does not segregate the land nor prohibit the filing of other applications for such land until after your allowance of the entry, pursuant to its acceptance by this office (see 37 L.D., 160), and the entry and final certificate bear the same date, you will, after collecting the fee and the original and final commissions and the government price for the excess area, if any, issue the final certificate on form 4-197, fill in the blank spaces provided for data concerning the original entry, and send the duplicate certificate to the claimant as notice to him of the date of your allowance of the entry. See note at the foot of form 4-197.

If you are not supplied with form 4-197, you should procure the same by requisition.

Very respectfully,

CLAY TALLMAN,

Commissioner.

(8676)

AMENDMENT OF ALASKA TOWNSITE REGULATIONS RELATIVE TO THE SURVEY AND DISPOSAL OF LANDS IN POSSESSION OF INDIANS WHO BECOME CITIZENS.

[Circular No. 580.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 8, 1918.

REGISTERS AND RECEIVERS, U. S. LAND OFFICES, SURVEYOR-GENERAL AND CHIEF OF FIELD DIVISION, ALASKA:

You are advised that on December 15, 1917, the Secretary of the Interior amended Section 6 of the Alaska townsite regulations, Circular 491, approved July 19, 1916 (45 L. D., 227, 243), so as to read in full as follows:

> Indian or native Alaskan occupants who have secured certificates of citizenship under the territorial laws of Alaska shall be treated in all respects like white citizen occupants; but all land occupied by other Indians or Alaskan natives shall not be assessed nor conveyed by the trustee. In making the subdivisional survey herein required, the surveyor will set apart the possessions occupied by the Indians who are not citizens and appropriately designate them as such upon the triplicate plats of his surveys, but he will not extend any street or alley upon or across such possessions.

In connection herewith, attention is called to Territorial Act of April 27, 1915 (Chap. 24, Session Laws of Alaska, 1915, page 52), providing a method whereby native Indians of Alaska may definitely establish the fact of their citizenship under Sec. 6, act of February 8, 1887 (24 Stat., 388). A certificate of such citizenship will therefore be required to enable "Indian or native Alaskan occupants" of lots in townsites to avail themselves of the privileges of such amended regulations.

CLAY TALLMAN,
Commissioner.

Lu Circ. 750

CIRCULAR No. 581.

LEAVES OF ABSENCE FOR THE PURPOSE OF PERFORMING FARM LABOR—ACT OF DECEMBER 20, 1917 (PUBLIC NO. 94)—INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 10, 1918.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Your attention is directed to the act of Congress of December 20, 1917 (Public, No. 94), granting leaves of absence, during the pendency of the existing war, to homesteaders to enable them to engage in farm labor on lands other than those embraced in their homestead claims, which labor may be in connection with lands owned by themselves. It provides:

> That during the pendency of the existing war any homestead settler or entryman shall be entitled to a leave of absence from his land for the purpose of performing farm labor, and such absence, while actually engaged in farm labor, shall, upon compliance with the terms of this act, be counted as constructive residence: *Provided*, That each settler or entryman within fifteen days after leaving his claim for the purpose herein provided shall file notice thereof in the United States Land Office, and at the expiration of the calendar year file in said land office of the district wherein his claim is situated a written statement, under oath and corroborated by two witnesses, giving the date or dates when he left his claim, date or dates of return thereto, and where and for whom he was engaged in farm labor during such period or periods of absence: *Provided further*, That nothing herein shall excuse any homestead settler or entryman from making improvements or performing the cultivation required by applicable law upon his claim or entry: *Provided further*, That the provisions of this act shall apply only to homestead settlers and entrymen who may have filed their application prior to the passage of this act. The Secretary of the Interior is authorized to provide rules and regulations for carrying this act into effect.

2. The privilege of such absence may be exercised by any person who had made a valid settlement on public land before December 20, 1917, or who has made, or shall make, entry pursuant to application filed before that date. If no entry has been made prior to the filing of the notice stipulated in the act and herein below mentioned, you will give it the current serial number and make record thereof on your serial number register, noting that no entry has been made; also on the tract book if the land is described by subdivisions, section, township and range.

3. There is no limit either to the number or the length of the absences a homesteader may have under this act. They do not in anywise interfere with the five-month absence privilege accorded by law to the homesteader during each residence year, pursuant to notice and without reason stated, but the periods thereof are to be regarded as forming part of the seven-months' residence ordinarily required.

4. Each person intending to avail himself of the privileges of this act must, within 15 days after leaving his homestead, file at the local United States land office a notice that he has left the land, pursuant to the provisions of said act, for the purpose of performing farm labor elsewhere. On or before February 1 of each year he must file at said office a written statement under oath, corroborated by two witnesses, with regard to such absence or absences during the last preceding calendar year. Said statement must contain the date or dates when he left the claim and the date or dates of his return thereto; also the name or names of the places where he was engaged in farm labor during the period or periods of his absence and the name or names of the persons for whom said labor was performed. Unless he complies with these conditions, he will not be entitled to the benefits of the act.

5. The act does not excuse a homesteader from full compliance with the law with respect to cultivation of his land and the erection of a habitable house thereon.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1918

APPLICATIONS FILED MORE THAN 10 DAYS AFTER THEIR EXECUTION—CIRCULAR 352 AMENDED.

[Circular No. 583.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 15, 1918.

REGISTERS AND RECEIVERS,
UNITED STATES LAND OFFICES:

Your attention is invited to an order of the Secretary of the Interior dated January 9, 1918, modifying the regulations which require applications for entry to be filed within 10 days after their execution:

The Department is advised that various local officers have been obliged to reject applications to enter which were promptly mailed but were not received within the time fixed by the regulations of September 8, 1914 (43 L. D., 378), resulting in annoyance and expense to the applicants.

In view thereof you will direct local officers to accept as filed within the time named in said circular all applications to enter which were deposited in the mails within 10 days from the date of execution, the regulations being amended to agree herewith.

C. M. BRUCE,
Acting Commissioner.

PAYMENTS ON ENTRIES OF LANDS IN ABANDONED MILITARY RESERVATIONS, MADE BY PERSONS IN MILITARY OR NAVAL SERVICE.

[Circular No. 585.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 19, 1918.

REGISTERS AND RECEIVERS,
UNITED STATES LAND OFFICES:

Where a person has entered or shall enter land embraced in an abandoned military reservation, for which he is required to pay a certain price per acre, and thereafter has entered or shall enter the military or naval service of the United States, the entry will not be canceled on account of the failure of the soldier or sailor to make the payments of any amounts falling due during the term of his enlistment, but it will be held suspended pending consideration by Congress of legislation designed to extend the time for such payments beyond the period of military service or the existing war.

The question whether such entrymen shall be required to pay interest, except as required by existing laws, will depend on the terms of the legislation which Congress may enact.

In cases where the entryman has filed notice of his entrance into the military or naval service, as permitted by paragraph 8 of the circular of instructions of August 22, 1917, issued under the act of July 28, 1917 [46 L. D., 174], you will, nevertheless, call upon him for the payment, when due, but will in your notice inform him that if he is unable to pay, on account of his employment in the military or naval service, he should advise you to that effect. In all cases where there is response by him or on his behalf that he has entered the military or naval service, you will forward the papers to this office with your report.

C. M. BRUCE,
Acting Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

In reply please refer to Circular No.586.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

February 11, 1918.

ACCOUNTS: Amending paragraph 81, circular 105.

Registers and Receivers,

U. S. Land Offices.

Sirs:

Paragraph 81 of circular 105, approved May 4, 1912, is hereby amended to add the following subdivision:

" (p) Coal-land purchase money tendered prior to completion of proof as permitted in paragraph 18, circular 557. Such payments must, of course, be applied upon issuance of final certificate."

Very respectfully,

CLAY TALLMAN,

Commissioner.

Approved:

ALEXANDER T. VOGELSANG,

First Assistant Secretary.

(8931)

Circular 79

Revoked by

FEB 2 5 1918

CIRCULAR NO. 587

DEPARTMENT OF THE INTERIOR

General Land Office.

Washington February 12, 1918.

: Instructions under the
: Internal Revenue Act, ap-
: proved October 3, 1917,
: Public No. 50.

Registers and Receivers,

United States District Land Offices.

Gentlemen:

Your attention is directed to the act of Congress(Public No. 50) entitled, "An Act To provide revenue to defray war expenses, and for other purposes, "approved October 3, 1917, and especially to the provisions of Schedule "A" of said act.

By said schedule, stamp taxes are provided in the following cases, on and after December 1, 1917.

1. "Bonds for indemnifying any person, corporation, partnership, or corporation who shall have become bound, or engaged as surely, and all bonds for the due execution or performance of any contract, obligation, or requirement, or the duties of any office or position, and to account for money received by virtue thereof, and all other bonds of any description, except such as may be required in legal preceedings, not otherwise provide for in this schedule, 50 cents: Provided, That where a premium is charged for the execution of such bond the tax shall be paid at the rate of one per centum on each dollar or fractional part thereof of the premium charged: Provided further, That policies of reinsurance shall be exempt from the tax imposed by this subdivision."

This section imposes a stamp tax of the amount specified on Mineral Surveyor's bonds; on bonds required of prospectors and mineral claimants by the Acts of Congress of March 3, 1909 (35 Stats..844;) June 22, 1910 (36 Stats., 583). July 17, 1914 (38 Stats., 509;) and December 29, 1916 39 Stats., 862). Also on the bonds required of leases of coal mining units in Alaska by Par. 9 of the regulations made pursuant to the Act of Congress of October 20, 1914(38 Stats., 741;) and on all other bonds of every description whatever.

It is also applicable to bonds given by a sawmill operator pursuant to the act of June 3, 1878 (20 Stat., 88), and the act of March 3, 1891 (26 Stat., 1093). and to bonds required of purchasers of damaged timber under the act of April 3, 1913 (37 Stat., 1015).

2. "Deed, instrument, or writing, whereby any lands, tenements or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds $100 and doestnot exceed $500, 50cents; and for each additional $500 or fractional part thereof 50 cents; Provided, That nothing contained in this paragraph shall be so construed as to impose a tax upon any instrument or writing given to secure a debt".

Assignments of desert land entries, either in whole or in part, or of reclamation homesteads under the provisions of the act of June 23, 1910 (36 Stat., 592), are conveyances of an interest in land such as will require a revenue stamp under this section. The same rule is also applicable to conveyance or deeds by which claims under the mining laws are sold, transferred or conveyed. Where such assignments, deeds, or conveyances have not been recorded in the local recording office, a corroborated affidavit, preferably by the assignee and assignor, should be furnished giving the actual value of the interest so transferred, exclusive of any lien or encumbrance thereon, which affidavit should be used as a basis for ascertaining the proper amount of stamps to be affixed to the conveyance; and all conveyances of rights of way acquired under the right of way acts granting an interest in the land affected are subject to the provisions of this section.

3. "Power of attorney granting authority to do or perform some act for or in behalf of the grantor, which authority is not otherwise vested in the grantee, 25 cents: Provided, That no stamps shall be required upon any papers necessary to be used for the collection of claims from the United States or from any State for pensions, back pay, bounty, or for property lost in the military or naval service or upon powers of attorney required in bankruptcy cases."

This section is applicable to all powers of attorney to make mining locations, and to sell, convey, rent or lease the same, and to make applications for patent for such maning claim. It is also applicable to powers of attorney to select lands in connection with lien-land applications.

Informal and and unacknowledged powers of attorney or written authorizations to appear for and represent the persons granting the same in respect of matters pending in the Land Department do not require stamps.

Very respectfully,

CLAY TALLMAN,

Commissioner.

Board of Law Review
By W.B. PUGH,
(8907)

CIRCULAR NO. 589.

CITIZENSHIP—LIMITATION ON AGE OF DECLARATION OF INTENTION.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE.

Washington, D. C., February 20, 1918.

Registers and Receivers,
United States Land Offices.

SIRS: The naturalization act of June 29, 1906 (34 Stat., 596), provides that a petition for admission to citizenship must be filed within seven years after the execution by the petitioner of his declaration of intention to become a citizen.

2. The United States Supreme Court, on January 7, 1918, in the case of the United States *vs.* Antonio Morena, decided that where a declaration of intention was filed before the passage of the said act, the time within which the party was entitled to petition for citizenship expired seven years after the date of the act. This seven-year period has now elapsed.

3. Therefore, you will not in any case accept as evidence of status with regard to citizenship a copy of a declaration of intention executed more than seven years before the date of the filing, unless it be accompanied by evidence that there is pending at that time a petition for naturalization, pursuant to such declaration, filed within seven years after its date.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

6—5795

Circular No. 590.

MILITARY SERVICE OF DESERT-LAND ENTRYMEN DURING THE WAR WITH GERMANY, ACT OF AUGUST 7, 1917 (PUBLIC NO. 36).

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 18, 1918.

(Circular No. 590.)

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Subjoined is a copy of the act of August 7, 1917 (Public No. 36), entitled "An act for the protection of desert-land entrymen who enter the military or naval service of the United States in time of war," the provisions of which operate to protect desert-land claims held by persons serving in the military or naval service of the United States during the present war with Germany from contest and cancellation for failure to make the required yearly expenditures, or to effect reclamation within the regular statutory period.

Persons entitled to credit for military service.

1. The present war with Germany began, as to the United States, April 6, 1917, and to entitle a claimant to the benefits of the act it must be established that he was, at the outbreak of the war, serving as an officer or enlisted man in the Army, Navy, or Marine Corps, or Organized Militia of the United States, or has since entered such service.

The benefits of the act are conferred only upon any officer or enlisted man who, *before entering the service*, had actually made a desert-land entry, or had acquired such an entry by assignment, or had filed an allowable application to make a desert-land entry, or has acquired a preference right to unsurveyed land under the act of March 28, 1908 (35 Stat., 52). Under the provisions of the act, the claimant's rights are protected as against contest and cancellation upon the ground of failure to make the required yearly expenditures or to effect reclamation during the period of his service and for six months after its termination, and in effect operates to extend the regular statutory time provided for submitting yearly and final proofs for a period equal to the claimant's service. There is, of course, no waiver of ultimate compliance with the law's requirements of expenditure and reclamation, but, on the contrary, such compliance must be effected and proofs thereof duly submitted within the extended period of time granted by this statute, as above stated.

The act does not protect an entry on account of defaults occuring before the claimant entered the service.

Notice of muster into the service.

2. In order to avail himself of the benefits of this act, the claimant must have filed in the local land office of the district wherein the claim is situated, within six months after its passage a notice of his muster into the service and of his desire to hold the claim under its provisions; or if his muster into the service does not antedate the passage of the act, then the notice must be filed within six months after such muster. For purposes of identification and verification, the notice should set forth the date of muster into the service and the military or naval organization to which the claimant is attached, together with his service in full.

You will make a record of all notices claiming the benefits of the act and transmit them with your monthly returns.

CLAY TALLMAN, *Commissioner.*

Approved.

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

(PUBLIC—No. 36—65TH CONGRESS.)

(H. R. 3331.)

An Act For the protection of desert-land entrymen who enter the military or naval service of the United States in time of war.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no desert-land entry made or held under the provisions of the act of March third, eighteen hundred and seventy-seven, as amended by the act of March third, eighteen hundred and ninety-one, by an officer or enlisted man in the Army, Navy, Marine Corps, or Organized Militia of the United States shall be subject to contest or cancellation for failure to make or expend the sum of $1 per acre per year in improvements upon such claim, or to effect the reclamation thereof, during the period said entryman or his successor in interest is engaged in the military service of the United States during the present war with Germany, and until six months thereafter, and the time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of the time of his actual service in the Army, Navy, Marine Corps, or Organized Militia of the United States; *Provided*, That said desert-land entry shall have been made by the said officer or enlisted man prior to his enlistment; *Provided further*, That each such entryman or claimant shall, within six months after the passage of this act, or within six months after he is mustered into the service, file in the local land office of the district wherein his claim is situate a notice of his muster into the service of the United States and of his desire to hold said desert claim under this act: *Provided further*, That the term "enlisted man," as used in this section shall include any person selected to serve in the military forces of the United States as provided by the act entitled "an act authorizing the President to increase temporarily the Military Establishment of the United States," approved May eighteenth, nineteen hundred and seventeen.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1918

In reply please refer to Circular No. 591. MAR 25 1918
Inc.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 7, 1918.

Register's Reports

RETURNS : Circular 571 amended.
: Transmittal of closed
: applications involving
: petitions for designation.
:

Registers and Receivers,

United States Land Offices.

Sirs:

The first paragraph of Circular 571 is hereby amended to read as follows:

Hereafter upon transmittal, please arrange all closed applications to enter, on which petitions for designation involving same have been transmitted to this office, in a separate package with your monthly returns, reporting same on a separate schedule, in duplicate, entitled "Closed Applications Involving Petitions for Designation". The serial numbers of such applications must also appear in proper numerical order upon the "Schedule of Rejected and Closed Cases" with notation "See Supplemental Schedule". Where the petition for designation accompanies a withdrawn or rejected application do not report same on the first-named schedule. In cases where an appeal is filed in connection with a closed application after the petition for designation has been forwarded to this office do not list same on the schedule in question. Such cases must, of course, be reported on the schedule of "Rejected and Closed Cases" whether appealed or unappealed.

Acknowledge receipt hereof on the inclosed postal card.

Very respectfully,

APPROVED:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

CLAY TALLMAN,
Commissioner.

(9008)

CIRCULAR No. 592

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

Part 233.1 CFR 43

Still in effect 5/28/54 RB

REGULATIONS

CONCERNING

STATE IRRIGATION DISTRICTS

IN THEIR RELATION TO THE PUBLIC LANDS OF THE UNITED STATES

APPROVED MARCH 6, 1918

WASHINGTON
GOVERNMENT PRINTING OFFICE
1918

MAR 22 1919

REGULATIONS CONCERNING STATE IRRIGATION DISTRICTS IN THEIR RELATION TO THE PUBLIC LANDS OF THE UNITED STATES.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 6, 1918.

GENERAL STATEMENT.

1. The act of August 11, 1916, chapter 319 (39 Stat., 506), entitled "An act to promote the reclamation of arid lands," reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when in any State of the United States under the irrigation district laws of said State there has heretofore been organized and created or shall hereafter be organized and created any irrigation district for the purpose of irrigating the lands situated within said irrigation district, and in which irrigation district so created or to be created there shall be included any of the public lands of the United States, such public lands so situated in said irrigation district, when subject to entry, and entered lands within said irrigation district, for which no final certificates have been issued, which may be designated by the Secretary of the Interior in the approval by him of the map and plat of an irrigation district as provided in section three, are hereby made and declared to be subject to all the provisions of the laws of the State in which such lands shall be situated relating to the organization, government, and regulation of irrigation districts for the reclamation and irrigation of arid lands for agricultural purposes, to the same extent and in the same manner in which the lands of a like character held under private ownership are or may be subject to said laws: *Provided*, That the United States and all persons legally holding unpatented lands under entry made under the public land laws of the United States are accorded all the rights, privileges, benefits, and exemptions given by said State laws to persons holding lands of a like character under private ownership, except as hereinafter otherwise provided: *Provided further*, That this act shall not apply to any irrigation district comprising a majority acreage of unentered land.

SEC. 2. That the cost of constructing, acquiring, purchasing, or maintaining the canals, ditches, reservoirs, reservoir sites, water, water right, rights of way, or other property incurred in connection with any irrigation project under said irrigation district laws shall be equitably apportioned among lands held under private ownership, lands legally covered by unpatented entries, and unentered public lands included in said irrigation district. Officially certified lists of the amounts of charges assessed against the smallest legal subdivision of said lands shall be furnished to the register and receiver of the land district within which the lands affected are located as soon as such charges are assessed;

but nothing in this act shall be construed as creating any obligation against the United States to pay any of said charges, assessments, or debts incurred.

That all charges legally assessed shall be a lien upon unentered lands and upon lands covered by unpatented entries included in said irrigation district; and said lien upon said land covered by unpatented entries may be enforced upon said unpatented lands by the sale thereof in the same manner and under the same proceeding whereby said assessments are enforced against lands held under private ownership: *Provided*, That in the case of entered unpatented lands the title or interest which such irrigation district may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to the following conditions and limitations: If such unpatented land be withdrawn under the act of Congress of June seventeenth, nineteen hundred and two (Thirty-second Statutes, page three hundred and eighty-eight), known as the reclamation act, or subject to the provisions of said act, then the interest which the district may convey by such tax proceedings or tax deed shall be subject to a prior lien reserved to the United States for all the unpaid charges authorized by the said act of June seventeenth, nineteen hundred and two, but the holder of such tax deed or tax title resulting from such district tax shall be entitled to all the rights and privileges in the land included in such tax title or tax deed of an assignee under the provisions of the act of Congress of June twenty-third, nineteen hundred and ten (Thirty-sixth Statutes, page five hundred and ninety-two), and upon submission to the United States land office of the district in which the land is located of satisfactory proof of such tax title, the name of the holder thereof shall be indorsed upon the records of such land office as entitled to the rights of one holding a complete and valid assignment under the said act of June twenty-third, nineteen hundred and ten, and such person may at any time thereafter, receive patent upon submitting satisfactory proof of the reclamation and irrigation required by the said act of Congress of June seventeenth, nineteen hundred and two, and acts amendatory thereto, and making the payments required by said acts.

SEC. 3. That no unentered lands and no entered lands for which no final certificates have been issued shall be subject to the lien or liens herein contemplated until there shall have been submitted by said irrigation district to the Secretary of the Interior, and approved by him, a map or plat of said district and sufficient detailed engineering data to demonstrate to the satisfaction of the Secretary of the Interior the sufficiency of the water supply and the feasibility of the project, and which shall explain the plan or mode of irrigation in those irrigation districts where the irrigation works have not been constructed, and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops, and which shall also show the source of water to be used for irrigation of land included in said district: *Provided*, That the Secretary of the Interior may, upon the expiration of ten years from the date of his approval of said map and plan of any irrigation district, release from the lien authorized by this Act any unentered land or lands upon which final certificate has not issued, for which irrigation works have not been constructed and water of such district made available for the land: *Provided further*, That in those irrigation districts, already organized and whose irrigation works have been constructed and are in operation as soon as a satisfactory map, plat, and plan shall have been approved by the Secretary of the Interior as in this act provided, such entered and unentered lands shall be subject to all district taxes and assessments theretofore actually levied against the lands in said district and in the same manner in which lands of a like character held under private ownership are subject to liens and assessments.

SEC. 4. That upon the approval of the district map or plat as hereinbefore provided by the Secretary of the Interior, the register and receiver will note said approval upon their records where any unentered or entered and unpatented lands are affected.

SEC. 5. That no public lands which were unentered at the time any tax or assessment was levied against same by such irrigation district shall be sold for such taxes or assessments, but such tax or assessment shall be and continue a lien upon such lands, and not more than one hundred and sixty acres of such land shall be entered by any one person; and when such lands shall be applied for, after said approval by the Secretary of the Iterior, under the homestead or desert-land laws of the United States, the application shall be suspended for a period of thirty days to enable the applicant to present a certificate from the proper district or county officer showing that no unpaid district charges are due and delinquent against said land.

SEC. 6. That any entered but unpatented lands not subject to the reclamation act of June seventeenth, nineteen hundred and two (Thirty-second Statutes, page three hundred and eighty-eight), sold in the manner and for the purposes mentioned in this act may be patented to the purchaser thereof or his assignee at any time after the expiration of the period of redemption allowed by law under which it may have been sold (no redemption having been made) upon the payment to the receiver of the local land office of the minimum price of $1.25 per acre, or such other price as may be fixed by law for such lands, together with the usual fees and commissions charged in entries of like lands under the hometead laws, and upon a satisfactory showing that the irrigation works have been constructed and that water of the district is available for such land; but the purchaser or his assignee shall, at the time of application for patent, have the qualification of a homestead entryman or desert-land entryman, and not more than one hundred and sixty acres of said land shall be patented to any one purchaser under the provisions of this act.

These limitations shall not apply to sales to irrigation districts, but shall apply to purchasers from such irrigation districts of such land bid in by said district.

That unless the purchaser or his assignee of such lands shall, within ninety days after the time for redemption has expired, pay to the proper receiver all fees and commissions and the purchase price to which the United States shall be entitled as provided for in this act, any person having the qualification of a homestead entryman or a desert-land entryman may pay to the proper receiver, for not more than one hundred and sixty acres of said lands, for which payment has not been made, the unpaid purchase price, fees, and commissions to which the United States may be entitled; and upon satisfactory proof that he has paid to the purchaser at the tax sale, or his assignee, or to the proper officer of the district for such purchaser or for the district, as the case may be, the sum for which the land was sold at sale for irrigation district charges or bid in by the district at such sale, and in addition thereto the interest and penalties on the amount bid at the rate allowed by law, shall be subrogated to the rights of such purchaser to receive patent for said land.

In any case where any tract of entered land lying within such approved irrigation district shall become vacant by relinquishment or cancellation for any cause, any subsequent applicant therefor shall be required, in addition to the qualifications and requirements otherwise provided, to furnish satisfactory proof by certificate from the proper district or county officer that he has paid all charges then due to the district upon said land and also has paid to the proper district or county officer for the holder or holders of any tax certificates,

delinquency certificates, or other proper evidence of purchase at tax sale the amount for which the said land was sold at tax sale, together with the interest and penalties thereon provided by law.

SEC. 7. That all notices required by the irrigation district laws mentioned in this act shall, as soon as such notices are issued, be delivered to the register and receiver of the proper land office in cases where unpatented lands are affected thereby, and to the entryman whose unpatented lands are included therein, and the United States and such entryman shall be given the same rights to be heard by petition, answer, remonstrance, appeal, or otherwise as are given to persons holding lands in private ownership, and all entrymen shall be given the same rights of redemption as are given to the owners of lands held in private ownership.

SEC. 8. That all moneys derived by the United States from the sale of public lands herein referred to shall be paid into such funds and applied as provided by law for the disposal of the proceeds from the sale of public lands.

PURPOSE AND EFFECT OF STATUTE.

2. Briefly stated, the purpose and effect of this statute is to empower the Secretary of the Interior, following the presentation of a proper application therefor, to investigate the plans and financial and physical resources of irrigation districts heretofore or hereafter organized pursuant to the law of any State, and, if he shall find and conclude that any such district has planned and is executing an altogether meritorious and feasible irrigation undertaking, to grant his approval of its said plan and undertaking, provided a majority acreage thereof is not unentered land, to the end that upon such approval, and upon compliance by such districts with certain conditions in said act specifically set forth, all unentered public land and land which has been entered, but upon which final certificate has not issued, shall be amenable to the State laws governing the district to the same extent and upon like terms as are privately owned lands within said districts.

Tax liens upon unentered and unpatented lands are expressly provided for, and no entry of lands can be made until all charges and liens under the district laws are paid.

Provision is also made for tax sale of entered lands and tax liens against unentered lands.

REGULATIONS.

3. *Application.*—Any irrigation district desiring to obtain the benefits of this act should file in the local United States land office within which the lands are situated an application, in duplicate, consisting of the following:

(*a*) A statement setting forth concisely the legal address of the district; the date when, by court decree or otherwise, it was finally declared to be fully organized; the name and title of all officers of the district, qualified at the date of the filing of the application; the gross amount of land embraced in the district; the amount of

irrigable land within the district; the amount of privately owned land within the district; the amount of entered land for which final certificate has not issued; the amount of land embraced within a withdrawal for a United States reclamation project; the amount of land otherwise withdrawn (within Indian, forest, power site, or other withdrawal); how much (per cent) of the project has been completed; what bond issue, if any, has been finally consummated, and the present bonded debt; whether contract has been made with the United States, under the reclamation act of June 17, 1902 (32 Stat., 388), or is pending, and, if any such, the date thereof; and any other facts or circumstances which would throw light on, or be pertinent to, a full understanding of the present condition or future prospects of the district.

(*b*) Proof of organization.

(*c*) Evidence of water right and sufficiency of available water supply.

(*d*) Maps showing the project.

(*e*) Plans and specifications.

(*f*) Such data as may be necessary to a full understanding of the situation.

DETAILS OF APPLICATION.

4. *Proof of organization* (see par. 3*b*).—A properly authenticated copy in duplicate of the proceedings through which the district claims corporate existence should be filed. The character of this proof will of course depend upon the State statute under which the organization was effected.

5. *Evidence of water right* (see par. 3*c*).—If the lands to be reclaimed are wholly withdrawn lands, within a United States reclamation project, and the right to the use of the water depends solely upon an appropriation by the Government, no evidence of water right will be required, but if dependence is placed upon any water appropriation other than one claimed by the Government, either for the reclamation of the whole, or a portion of the lands sought to be made subject to this act, certified copy of such water right should be filed with the application, with any amendments or modifications thereof. A statement as to whether the stream or other body of water, from which the water supply is to be secured, has been adjudicated, and if so, the court in which the decree was granted and the date thereof should be made. If water measurements have not been taken, a detailed report showing the foundation for the belief that sufficient water exists should be filed.

6. *Maps* (see par. 3*d*).—There should also be filed in duplicate with the application, tracings, showing by smallest legal subdivision, in accordance with the latest official survey, all of the lands embraced within the confines of the district; the status of the various

tracts should be differentiated, by markings on each legal subdivision, in black india ink, letters corresponding to the status of the land, as follows:

(*a*) Privately owned land.

(*b*) Lands which have been entered, but for which final certificate has not been issued.

(*c*) Lands withdrawn under the reclamation act.

(*d*) Lands otherwise withdrawn.

(*e*) Unentered public lands.

NOTE.—If a tract of land appears to come within two of the designations, both letters should be used.

These tracings should be made on tracing linen with india ink. Three scales are permissible, 2,000 feet to the inch, 1,000 feet to the inch, or 500 feet to the inch. No other scale should be used, and the scale most adaptable to a clear showing of the matters and things set forth thereon should be used, but in no case should any one tracing be over 36 inches in width.

The tracings should also show the outlines, properly tied, of any reservoirs, canals, ditches, power plants, transmission lines, or other aids to reclamation which are included in the system, as well as cross sections properly drawn to scale, of dams and canals.

If the irrigation system relied upon for the reclamation of the lands within the district is entirely a United States reclamation project, it will be unnecessary to delineate it upon the map. Reference to the project will be sufficient. If, however, public lands are to be reclaimed in whole or in part, by means other than under a United States reclamation project, such system or the portion thereof not connected with the United States reclamation project should be shown.

7. *Plans and specifications* (see par. 3*e*).—If the district irrigation works have been constructed, either fully or partially, plans and specifications of the principal structures, sufficient to show the designs and methods of construction, prepared by a competent engineer should be filled, together with an authenticated statement of the amount actually expended upon the construction and the estimated amount necessary to complete the system.

If no construction has been undertaken, preliminary plans showing the estimated cost of the project and the salient features thereof in sufficient detail to establish the feasilibilty of the project will be sufficient.

8. *Other data* (see par. 3*f*).—As each project must necessarily stand or fall upon its own merits, it will be impossible to specify minutely all of the data that may be required. In every instance, however, it should be so full and complete as to place before the Secretary of the Interior all of the information necessary to an in-

telligent consideration of the project as a whole as to feasibility. Additional information may be required by the department if the data stated upon the original application prove insufficient.

9. *Affidavits and certificates.*—Each of the maps filed with the application for recognition should bear the certificate of the president or other presiding or chief officer of the district, countersigned by the secretary, clerk, or other recording officer and attested by the seal of the district, in accordance with Form No. ——— attached hereto. They should also bear the affidavit of the district's chief engineer, in accordance with Form No. ——— attached hereto. This certificate and affidavit should be inscribed upon the maps in india ink.

10. *Rights of way.*—If any unpatented public land or any reservation of the United States is affected by any of the proposed works of the irrigation district, application for right of way therefor must be filed by the district under the appropriate act before the application for recognition will be finally approved.

11. *Unsurveyed lands.*—Where any proposed district includes within its confines unsurveyed lands, the lines of survey nearest such unsurveyed lands will be protracted.

PROCEDURE.

12. *Lands in more than one district.*—Where the lands within the confines of the proposed irrigation district lie within more than one local land district, it will only be necessary to file the data in duplicate hereinbefore adverted to in one of the land districts; a blue-print copy of the map and one copy of the statement, however, should be filed in the other districts, together with a notice to the register and receiver, that the application, in duplicate, has been filed in the other district (naming it).

13. *Duty of register and receiver.*—Upon the filing of such an application in the local office the register will note upon the maps filed with the application the name of the land office and the date of filing over his written signature. After testing by his records the accuracy of the notations on said map as required by paragraph 6 of these regulations, he will note upon his records opposite all unpatented lands shown upon the map the fact and date of such filing, after which he will at once transmit the entire record to the General Land Office.

14. *Consideration of application.*—Upon receipt of the record in the General Land Office, it will be considered with reference to its regularity and compliance with the terms of these regulations and disposed of as follows:

(*a*) If all the unpatented lands are within a United States reclamation project, depending solely upon Government water appropriation and the record is regular, it will be referred to the Reclamation

Service for consideration as to feasibility, which service will make its recommendation in the premises to the Secretary of the Interior through the General Land Office.

(*b*) If the lands within the district are partially within a United States reclamation project, and partially unpatented public lands, depending for water upon other than Government appropriations, the case will be referred to the Reclamation Service for such report as it may deem proper, after which the Commissioner of the General Land Office will consider the record with respect primarily to the lands not affected by the United States reclamation project, and transmit the record with proper recommendation to the Secretary of the Interior for such action as he may deem proper.

(*c*) If the unpatented lands within the district are all public and unaffected by United States Reclamation Service withdrawal, the Commissioner of the General Land Office will consider and transmit the record to the Secretary of the Interior with recommendation.

15. Upon the approval of an application by the Secretary of the Interior, the Commissioner of the General Land Office will cause to be noted upon the tract books of his office the fact and date of such approval, and will transmit to the local land office or offices wherein the lands affected are situated copies of such maps and approval. Upon receipt by the register of such copy, he will at once note on his records opposite each tract of unentered or entered and unpatented land affected the fact and date of such approval and notify the irrigation district thereof.

16. After such approval the register will, upon receipt of an application to enter any of the lands within the project, suspend the same for 30 days, pending the filing by the applicant of a certificate by the proper district officer, certifying that all district charges against the land have been paid. Upon the filing of such a certificate and payment of all other proper fees and charges within 30 days, the application will be allowed and the entry transmitted to this office in the same manner as other entries not affected by this act.

In the event such certificate is not filed within the 30 days allowed, the register will reject the application, subject to appeal.

17. *Taxes and assessments.*—

(*a*) Where an irrigation district has been fully organized and works constructed, the district must, within 90 days from the date of notice to it of the approval by the Secretary of the Interior of its application for recognition, file with the register of the local land office within which the lands of the district are situated an officially certified list showing the amount assessed against each smallest legal subdivision of unentered or entered and unpatented public land within the district, which list shall contain a statement that such assessment was made in due form, in compliance with the provisions

of the State law, and of this act. In case the 90 days allowed are found to be insufficient for the proper legal assessment and preparation of the list, an application to the Secretary of the Interior transmitted through the local land office showing fully the reasons why such list could not be filed within the specified time will be considered, and such action taken thereon as may be deemed proper. Upon the filing of such list the register will transmit the same to the Commissioner of the General Land Office for filing with the record.

(*b*) Unentered land is not subject to tax sale, but the assessment of taxes and charges will constitute a lien, which must be removed before entry of the tract is allowed.

(*c*) Unentered land or entered but unpatented land withdrawn under the reclamation act is subject not only to the district taxes and charges, but also to any reclamation charges, and no entry should be allowed thereof under paragraph 14 hereof or otherwise without a certificate from the project engineer that all required reclamation charges have been fully paid, unless the United States, by contract, shall have made the reclamation charges payable by the district.

18. *Holders of tax or delinquent certificates.*—Entered but unpatented land may be sold for taxes, and may be bid in either by individuals or by the district. In either instance the purchaser is subrogated to the rights of the original entryman, and, after the expiration of the redemption period, he or his assignee will be allowed 90 days within which to pay all proper fees and charges against said tracts, and, if he is a duly qualified homestead or desert-land entryman, patent will issue to him therefor (*a*) upon proof of reclamation and cultivation as required by section 2 of the act of August 11, 1916, supra, if the lands are within a United States reclamation project, or (*b*) upon payment and satisfactory showing that irrigation works have been constructed and that water therefrom is available as required by section 6 of said act, if the lands are not within a United States reclamation project; no person, however, may receive patent for more than 160 acres of land.

In case the purchaser or his assignee shall not, within 90 days after the expiration of the redemption period, pay the charges against said lands and apply for patent, any person qualified under the homestead or desert-land law may be subrogated to the rights of the purchaser upon proof of payment of all legal obligations against said tracts.

In case entered land within a district becomes vacant by reason of relinquishment or cancellation, no entry will be allowed therefor until acceptable proof is submitted that all proper legal charges have been paid.

CLAY TALLMAN, *Commissioner.*

Approved:

FRANKLIN K. LANE, *Secretary.*

○

A D D E N D A
to

The regulations of March 6, 1918 (Circular No. 592), concering Irrigation Districts.

Approved May 25, 1918.

Forms prescribed in paragraph 9, Regulations of March 6, 1918.

Form 1.

I,_____, the duly elected, qualified, and acting_____ (designation of office) of the _____Irrigation District, duly organized under the laws of the State of_____as found at page_____of_____; * do hereby certify that the plan of irrigation and survey herewith is submitted under authority of the said District granted by resolution of the Board of Directors (or Trustees) of said District, adopted on the _____day of _____191___, a copy of which said resolution, duly verified by the Secretary of said District, is submitted with, and by this reference made a part of, this certificate; and application is hereby made for the designation, under the Act of August 11, 1916 (39 Stat., 506), of the tracts marked hereon "b" or "c"; that the said tracts are each and every one of such character as to be subject to the provisions of the homestead or desert land laws of the United States and that the majority acreage in the said Irrigation District is not unentered land.

_____(Name)

_____(Official Title)

of the _____ Irrigation District.

Attest:
(Seal)

_____
Secretary (or other title of recording officer).

*Give citation to act or acts under which the District is organized.

"F" CTK

Form 2.

State of _____
County of_____, ss:
_____, being duly sworn, says that he is the Chief Engineer of the _____Irrigation District; that the tracts shown hereon to be designated under the Act of August 11, 1916 (39 Stat., 506), are each and every one of such character as to be subject to the provisions of the homestead or desert land laws of the United States; * (that he has personally examined the same; that there is not to his knowledge within the limits thereof any vein or lode of quartz or other rock in place bearing gold, silver, cinnibar, lead, tin, or copper, nor any deposit of placer, cement, gravel, salt spring, or deposit of salt, nor any other valuable mineral deposit (if necessary insert - except mineral deposits within the purview of the acts of March 3, 1909 (35 Stat., 844), and June 22, 1910 (36 Stat., 583), or of the Act of July 17, 1914 (38 Stat., 509), as the facts may warrant); that no portion of said land is claimed for mining purposes under the local customs or rules of miners, or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land (exception as above is necessary);) that the plan of irrigation herewith submitted is accurately and fully represented in accordance with ascertained

fact; that the system proposed is sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops as is shown in the accompanying report; that the survey of said system of irrigation is accurately represented upon this map and the accompanying field notes, and that the limits of said Irrigation District are correctly shown hereon.

_____

Subscribed and sworn to before me this_____ day of_____,19__.
(Seal)

_____
Notary Public.

My commission expires_____

*If the Chief Engineer has not made a personal examination of the land sufficiently in detail to enable him to make that part of the affidavit bracketed , it should be omitted herefrom and a separate affidavit should be made on the map as to such facts by some person who has made such examination.

CIRCULAR No. 594

AUG 4 1918

DEPARTMENT OF THE INTERIOR

POTASH REGULATIONS

UNDER THE

ACT OF OCTOBER 2, 1917 (40 STAT., 297)

APPROVED MARCH 21, 1918

WASHINGTON
GOVERNMENT PRINTING OFFICE
1918

Circular No. 594.

DEPARTMENT OF THE INTERIOR,
Washington, March 21, 1918.

[Potash regulations under the act of Oct. 2, 1917 (40 Stat., 297).]

To the COMMISSIONER OF THE GENERAL LAND OFFICE.

DEAR SIR: Under authority conferred by the act of October 2, 1917 (40 Stat., 297), entitled "An act to authorize exploration for and disposition of potassium," the rules and regulations herewith are prescribed to carry out the purpose of said act:

Lease regulations.
Form of application for lease.
Form of lease.
Use permit for camp site and refining works.
Form of use permit.
Patents for lands containing potash.

These regulations, together with those approved December 1, 1917, governing the issuance of "permits authorizing exploration of public lands for potassium," comprise full working instructions under said act, and you will be governed thereby in the administration thereof.

In the event of applications under this act for lands embraced within reservations, under the jurisdiction of this, or any other department, they will be referred to the appropriate bureau or department for a report and recommendation; and, if it be found necessary for the protection of rights and interests created by, or incident to, said reservations, such restrictions and conditions will be made in permits and leases as may be required to effectuate such purpose.

FRANKLIN K. LANE, *Secretary.*

PERMITS AUTHORIZING EXPLORATION OF PUBLIC LANDS FOR POTASSIUM.

(Regulations approved Dec. 1, 1917, by First Assistant Secretary.)

The act of Congress approved October 2, 1917, entitled "An act to authorize exploration for and disposition of potassium" (40 Stat., 297), authorizes the Secretary of the Interior, under such rules and regulations as he may prescribe, to issue prospecting permits for a period not to exceed two years, for the exploration of the land described therein for potash in any of the forms named in said act, and under authority thereof the following rules and regulations will govern the issuance of such permits:

1. Permits may be issued to (*a*) citizens of the United States, (*b*) an association of such citizens, (*c*) or a corporation organized under the laws of any State or Territory thereof.

2. The permit thus issued may include not more than 2,560 acres of public lands of the United States in reasonably compact form, or a similar area of lands that may have been disposed of under laws reserving to the United States the potassium deposits therein. In the latter case full compliance shall be made with the laws making such reservation.

3. The permit will confer upon the recipient the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, nitrates and salts of potassium on the lands embraced therein. In the exercise of this right the permittee shall be authorized to remove from the premises only such material as may be necessary to experimental work, and the demonstration of the existence of such deposits or any of them in commercial quantities.

4. If the permittee within the two years specified shall discover valuable deposits of one or more of the forms of potassium, as described in said act, within the area covered by his permit, such discovery shall entitle him to a patent of not to exceed one-fourth of the land embraced in the permit to be taken in compact form. The discovery of a valuable deposit of potash under this permit shall be construed as the discovery of a deposit which yields commercial potash in commercial quantities.

The remainder of the land embraced in such permit, if containing deposits of potash, will thereafter become subject to lease, under such regulations as may be found requisite in dealing with the land containing said deposit.

5. In addition to land embraced in the permit the Secretary may, in his discretion, issue to the permittee, during the life of the permit, the exclusive right to use a tract of unoccupied, nonmineral, public land not exceeding 40 acres in area, for purposes connected with and necessary to the development of the deposits covered by the permit.

6. Applications for permits should be filed in the proper district land office, addressed to the Commissioner of the General Land Office, and after due notation promptly forwarded for his consideration. No specific form of application is required, but it should cover, in substance, the following points, namely:

(*a*) Applicant's name and address.

(*b*) Proof of citizenship of applicant—by affidavit of such fact, if native born; or, if naturalized, by the certificate thereof, or affidavit as to time and place when issued; if a corporation, by certified copy of the articles thereof.

(*c*) Description of land for which the permit is desired by legal subdivisions if surveyed and by metes and bounds if unsurveyed, in which latter case, if deemed necessary, a survey sufficient more fully to identify and segregate the land may be required before the permit is granted.

(*d*) Reasons why the land is believed to offer a favorable field for prospecting.

(*e*) Proposed method of conducting exploratory operations, amount of capital available for such operations, and the diligence with which such explorations will be prosecuted.

(*f*) Statement of the applicant's experience in operations of this nature, together with references as to his character, reputation and business standing.

7. On the receipt of the application, if found in compliance with the terms of the act, a permit will issue and the district land officers be promptly notified thereof; thereafter no filings will be accepted for the lands embraced therein during the lifetime of said permit.

A copy of the act you will find herewith, together with a form of permit which may be modified to meet the conditions of any particular case.

FORM OF PERMIT AUTHORIZING EXPLORATION OF PUBLIC LANDS FOR POTASSIUM.

The form of permit issued under this act will be in substance, as follows:

THE UNITED STATES OF AMERICA.

Know all men by these presents that I, Franklin K. Lane, Secretary of the Interior, under and by virtue of the act of Congress entitled "An act to authorize exploration for and disposition of potassium," approved October 2, 1917,

have granted and do hereby grant a permit to ——— of the exclusive right for a period of two years from date hereof to prospect the following described lands ———— for chlorides, sulphates, carbonates, borates, silicates, nitrates or salts of potassium, but for no other purpose, upon the express conditions as follows, to wit:

1. To begin the prospecting for said minerals within 90 days from date hereof and to prosecute diligently the exploration and experimental work during the period of such permit, in the manner and extent as follows, to wit:—

2. To remove from said premises only such material as may be necessary to experimental work and the demonstration of the existence of such deposits in commercial quantities.

3. To afford all facility for inspection of such exploratory work on behalf of the Secretary of the Interior, and to report fully, when required, all matters pertaining to the character, progress and results of such exploratory work, and to that end to keep and maintain such accounts, logs or other records, as the Secretary may require.

4. Not to assign or transfer the permit granted hereby without the express consent in writing of the Secretary of the Interior.

5. To observe such conditions as to use and occupancy of the surface as may be provided by law in case any lands embraced herein have been granted with a reservation to the United States of the potassium deposits therein.

Expressly reserving to the Secretary of the Interior the right to permit for joint or several use such easements or rights of way upon, through or in the lands covered hereby, as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in said act; and further reserving the right and authority to cancel this instrument for failure of the permittee or licensee to exercise due diligence in the execution of the prospecting work in accordance with the terms hereof.

Valid existing rights, acquired prior hereto, on the lands described herein, will not be affected hereby.

In witness whereof I have affixed my signature hereto and the seal of the Department this —— day of ————.

[SEAL.]

———— ————,

Secretary of the Interior.

REGULATIONS PERTAINING TO LEASES FOR LANDS CONTAINING POTASH.

The act of October 2, 1917 (40 Stat., 297), authorizes the Secretary of the Interior, under such general regulations as he may adopt, to lease, for the production of the potash and other mineral deposits contained therein, public lands—

(A) Known to contain potash in commercial quantity and character and found in some or any of the forms described in said act.

(B) Embraced in any permit under which the existence of such deposits has been demonstrated, but not included in the patent awarded to the permittee.

(C) In and adjacent to Searles Lake, Cal., and by virtue of such authority, the following regulations are hereby prescribed:

(1) From and after the 20th day of December, 1917, applications for leases in the form as herein provided may be filed in the

proper district land office, addressed to the Commissioner of the General Land Office for any lands in class (A) (which includes lands in Sweetwater County, Wyo., wherein the coal deposits are reserved to the United States), by citizens of the United States, an association of such citizens or corporations organized under the laws of any State or Territory thereof; the qualifications of the applicant in this respect to be fully covered by the application.

(2) Leases are authorized by the terms of the act for an area not exceeding 2,560 acres, but will be granted only for such area as may be shown, to the satisfaction of the Secretary of the Interior, to contain deposits of potash in such form and quantities as to constitute a commercial value, and will be limited to lands reasonably compact in form and described by legal subdivisions of the public-land surveys, if surveyed, or, if unsurveyed, by the approximate description they will bear when surveyed; the survey in the latter case to be made at the expense of the Government if the application for lease is otherwise found satisfactory, the descriptions of the land in the lease when granted to conform to the official survey.

(3) Applications when filed with the district land office will be promptly noted of record and transmitted to the Commissioner of the General Land Office, accompanied by a statement as to the status of the lands embraced therein. After the receipt of such applications, no applications, filings or selections for the lands embraced therein will be permitted until so directed, except applications for leases under this act.

(4) When an application for a lease is filed in the district land office, notice thereof shall be published at the expense of the applicant in a general newspaper to be designated by the register, published at the capital of the State, describing the lands embraced therein, stating the purpose of the application and that it will be submitted to the Commissioner of the General Land Office for action within 30 days from the date fixed therein, advising all adverse claimants or protestants that if they desire to object or protect any interest as against the application, prompt action to that end should be taken; and further advising the public that any other applications for lease of the same lands may be filed at any time during said period of publication, without publication of notice of said second or further application, in which case, applications so filed will be considered as prescribed in section 5 hereof. Proof of publication will be required prior to action by the commissioner on the application for lease.

(5) On the receipt of the application or applications in the General Land Office, the same will be considered, investigation made if deemed necessary, and submitted to the Secretary of the Interior with appropriate recommendation and report as to the proper action to be

taken thereon, giving due consideration to the proposed effectual development of the alleged potash deposits and the amount of capital to be invested therein; the award of priority in case of conflicting applications to be determined by the respective proposed investments, date of productive development proposed by the several applicants, and any equities that may exist in one or more of the applicants resulting from improvement or development under claims made under other laws.

(6) The lands in class (B), if containing potash in some or any of the forms specified in said act, will be offered for leasing by publication for a period of 30 days in a newspaper designated by the register of the proper land district, published at the capital of the State, inviting applications therefor, on or before a date specified. Applications for such excess permit lands will be considered without further notice, and leases awarded thereunder in general accordance with the provisions of paragraph 5 herein. Lands once included in a published notice of leasing offer, remaining unleased, may thereafter be applied for without publication of notice.

(7) The verity of all representations contained in applications for leases shall be deemed an essential thereto, and a moving consideration to the award of a lease, if such action is taken. Misrepresentations in this respect will be treated as a proper ground for proceedings in forfeiture, as provided in section 8 of the act.

(8) The acceptance of a lease under the provisions of this act will be construed as a waiver and relinquishment of all claims on the part of the applicant for any lands embraced within said lease and claimed under the provisions of any other law.

(9) If the application for lease covers deposits of potassium, referred to in section 9 of the act, reserved to the United States, the applicant will be required, among other things, as a condition precedent to the granting of a lease, to furnish a bond to indemnify and protect the agricultural claimant.

(10) Lands in class (C) will not be open to lease until such time as final action has been taken upon the claims now pending before the department.

(11) A form of application, proposed form of lease and copy of the act of October 2, 1917, will be found herewith.

FORM OF APPLICATION FOR LEASE.

Blank forms for applications for lease will not be furnished, but such applications should follow substantially the form given below:

The undersigned _____, resident of _____ a _____ [native born or naturalized; if the latter, furnish certificate; if a corporation, certified articles thereof] hereby appl____ under the provisions of the act approved October 2, 1917 (40 Stat., 297), for a lease of certain potassium-bearing lands described as

follows: _____ section, ____ township, ____ range, ____ meridian, in ____ land district, _____ County, _____ aggregating _____ acres.

The deposit of potassium which it is proposed to develop is found in the following form: _____ and the methods to be adopted in its development, production and preparation for market are as follows: _____.

If a lease be granted, the applicant proposes to invest not less than _____ dollars during the first four years of such lease, not less than one-fourth each year, in said above-described operations, and to begin active development work to that end not later than _____ after the granting of such lease.

The applicant neither holds nor owns any interest or interests, as a member of an association or associations, or as a stockholder in a corporation or corporations, or otherwise, in any lease under said act, or in any application for lease thereunder, which, together with the area described in this application, exceeds in the aggregate in any area 50 miles square, an amount equivalent to 2,560 acres of land; nor holds more than one-tenth interest, direct or indirect, in any agency, corporate or otherwise, engaged in the sale or resale of the products to be obtained from the lands herein applied for if a lease be awarded hereunder.

As to character, business, and financial standing of the applicant , reference is hereby made to _____.

If awarded a lease hereunder, a satisfactory bond as required by the regulations, will be furnished within the time specified.

Post office address of applicant is _____.

_____ _____.

Subscribed and sworn to by _____ before me a _____, this ____ day of _____ 19____.

_____ _____.

FORM OF LEASE OF POTASH LANDS.

(Under the act of Oct. 2, 1917.)

Parties.

This indenture of lease entered into, in triplicate, this —— day of ———, A. D., 19—, by and between the United States of America, acting in this behalf by ———, Secretary of the Interior, party of the first part, hereinafter called the lessor, and ——— ———, party of the second part, hereinafter called the lessee, under, pursuant and subject to the terms and provisions of the act of Congress approved October 2, 1917 (40 Stat., 297),

Act.

entitled "An act to authorize exploration for and disposition of potassium," hereinafter referred to as the act, which is made a part hereof, witnesseth:

Consideration.

SECTION 1. That the lessor, in consideration of the rents and royalties to be paid, and the covenants to be observed as herein set forth, does hereby grant and lease to the lessee the exclusive right and privilege to mine, remove and dispose of all the potassium and other minerals in, upon or under the following-described

Land.

tracts of land situated in the county of ———, State of ———, and more particularly described as follows, to wit:

———, containing ——— acres, more or less, together with the right to construct and maintain thereupon all works, buildings, plants, waterways or reservoirs necessary to the full enjoyment

Use.

hereof, together also with the right to use any timber, stone or other materials on said land in connection with the operations to be conducted hereunder, for an indeterminate period, upon con-

dition that at the end of each twenty-year period succeeding the date hereof such readjustment of terms and conditions may be made as the party of the first part may determine; *Provided*, That this lease shall extend only to or include any right or interest in the lands, or the minerals therein, reserved to the United States under any entry that may be allowed, or patent that may issue or may have issued, with a reservation of certain specified minerals to the United States. (For leases in Sweetwater County, Wyo., insert reservation of coal.)

Term.

Reservation.

SEC. 2. In consideration of the foregoing the lessee hereby agrees:

(*a*) To invest ——— dollars within four years from the date hereof, not less than one-fourth thereof to be expended during each of said four years, in the substantial development and production of the deposits of potassium and other minerals in the land above described, or in the reduction, manufacture and preparation of such mineral products for market, and to furnish a bond with a specified corporate surety in the sum of one-tenth of the proposed investment, but in no case less than $5,000, conditioned upon the performance of such agreement; such development, reduction works or other improvements for which said investment and expenditures are to be made shall, subject to agreed modifications to meet future conditions, in general, consist of the following: ———

Investment.

Bond.

(*b*) To pay a royalty of the percentage hereinafter stipulated of the gross value of any and all salable mineral products from the lands covered hereby at point of shipment, or on demand of the lessor, its equivalent in the products of this lease f. o. b. at the point of shipment. (Special provisions defining and construing "point of shipment" and "gross value," depending on the conditions in each case, will be here inserted.) Such royalty shall be equal to 2 per cent of such gross value during the first 10 years of the lease, and 3 per cent thereafter up to the first adjustment period at the end of the first 20 years of the lease, payable monthly, the royalties for each month to be paid during the next succeeding month to the receiver of the United States land district in which the land is situated, or, if not in a land district, to the Commissioner of the General Land Office: *Provided*, That royalties over 2 per cent may be reduced by the lessor on proper showing made.

Royalty.

Point of shipment.

(*c*) To pay the receiver of the district land office on all leases annually, in advance, beginning with the date of the execution of the lease, the following rentals: Twenty-five cents per acre for the first year; thereafter 50 cents per acre for the second, third, fourth and fifth years, respectively; and $1 per acre for each and every year thereafter during the continuance of the lease, such rental for any year to be credited against the royalties as they accrue for that year.

Rental.

(*d*) To pay when due all taxes assessed and levied under the laws of the State upon the improvements, output of mines, or other rights, property or assets of the lessee.

State taxes.

(*e*) To furnish monthly certified statements in detail in such form as may be prescribed by the lessor of the amount and value of output from the leasehold at the "point of shipment" as a

Returns of shipments.

basis for determining amount of royalties. All books and accounts of the lessee shall be open at all times for inspection by any duly authorized officer of the department. Falsification of such statements shall be a basis for action for the cancellation of the lease.

Annual report.

(*f*) To furnish annually a plat in the manner and form prescribed by the Secretary of the Interior showing all prospect and development work on the leased lands, and other related information, with a report as to all buildings, structures or other works placed in or upon said leased lands, or on lands covered by permit issued under section 3 of the act, as well as any buildings, reduction works or equipment situated elsewhere and owned or operated in conjunction with, or as a part of, the operations conducted hereunder, accompanied by a report, in detail, as to the stockholders, business transacted, assets and liabilities of the lessee, together with a statement of the amount of potassium and other minerals produced and secured by operations hereunder, and the cost of production thereof.

Solutions.

(*g*) Where the minerals are taken from the earth in solution, such extraction shall not be within 500 feet of the boundary line of leased lands without permission from the Secretary of the Interior.

LAW.

Diligence.

(*h*) To develop and produce in commercial quantities, with reasonable diligence, the potassium and other mineral deposits susceptible of such production in the lands covered hereby; to carry on all mining, reducing, refining and other operations in a good and workmanlike manner in accordance with approved methods and practice, having due regard to the health and safety of miners and other employees, the prevention of waste and the preservation and conservation of the property for future productive operations, observing all State laws relative to the health and safety of such workmen and employees, all mining and related productive operations to be subject to the inspection of the lessor.

Result of forfeiture.

(*i*) To deliver up to the lessor on the termination of this lease, as a result of forfeiture thereof pursuant to section 8 of the act, the lands covered hereby, together with any land permission for the use of which has been granted under and pursuant to the provisions of section 3 of said act, including all fixtures, improvements and appurtenances, other than machinery, tools and personal property, located and used above ground, situate on any of said lands, in good order and condition, so as to permit of immediate continued operation to the full extent and capacity of the leased premises: *Provided*, That on such forfeiture the lessor, his agent, licensee or lessee shall have the exclusive right, at the lessor's option, and at any time within six months from such forfeiture, to purchase such machinery, tools and personal property located and used above ground, the purchase price thereof to be determined in the manner prescribed in section 5 of this lease.

Respect surface rights.

(*k*) To comply with all statutory requirements where the surface of the lands embraced herein has been disposed of under

laws reserving to the United States the potassium deposits therein.

(*l*) Not to assign or sublet, without the consent of the Secretary of the Interior, the premises covered hereby. Assignment.

(*m*) To observe faithfully the provisions of section 5 of the act whereunder this lease is executed as to the interest or interests that may be taken or acquired under leases authorized by said act. Unlawful interest.

SEC. 3. The lessor expressly reserves—

(*a*) The right to permit for joint or several use such easements or rights of way upon, through or in the lands hereby leased, occupied or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act; and the treatment and shipment of the products thereof by or under authority of the Government, its lessees or permittees, and for other public purposes. Easements.

(*b*) The right to dispose of the surface of the lands embraced herein under existing law, or laws hereafter enacted, in so far as said surface is not necessary for use of the lessees in extracting and removing the deposits therein. Dispose of surface.

(*c*) The right on the part of the President of the United States to regulate the price of all mineral extracted and sold from the leased premises, so that the price or prices fixed shall be such as to yield a fair and reasonable return to the lessee upon his investment, and secure to the consumer any of such products at the lowest price reasonable and consistent with the provisions hereof; also the right so to regulate the disposal of the potassium products produced hereunder as to secure its distribution and use wholly within the limits of the United States or its possessions. Fixed prices. Restrict to United States.

SEC. 4. The lessee may, on consent of the Secretary of the Interior first had and obtained, surrender and terminate this lease at any time after the first four years of the term herein provided for, by giving six months' notice in writing to the lessor, and upon payment of all rents, royalties and other debts due and payable to the lessor, and upon payment of all wages or moneys due and payable to the workmen employed by the lessee, and upon a satisfactory showing to the Secretary of the Interior that all other creditors or others having an interest are fairly and equitably protected, and that the public interest will not be impaired; but in no case shall such termination be effective until the lessee shall have made provision for the preservation of any mines or productive works or permanent improvements on the lands covered hereby: *Provided*, That in such case the right of valuation and purchase accorded the lessor in the section next following (5) shall be exercised within said period of six months. Surrender of lease. Conditions.

SEC. 5. That on the termination of this lease, pursuant to the last preceding section, the lessor, his agent, licensee or lessee shall have the exclusive right, at the lessor's election, to purchase at any time within six months, at the appraised value thereof, all buildings, machinery, equipment and tools, whether fixtures or personalty, placed by the lessee in or on the land leased hereunder, or on lands covered by permit under section 3 of the act, save and except underground improvements, machinery, equipment or structures, which shall be and remain a part of the Right to purchase improvements.

realty without further consideration or compensation; that the purchase price to be paid for said buildings, machinery, equipment and tools to be purchased as aforesaid, shall be fixed by appraisal of three disinterested and competent persons (one to be designated by each party thereto and the third by the two so designated), the valuation of the three or a majority of them to be conclusive; that pending such election to purchase within said period of six months none of said buildings or other property shall be removed from their normal position; that if such valuation be not requested, or the lessor shall affirmatively elect not to purchase within said period of six months, the lessee shall have the privilege of removing said buildings and other property, except said underground equipment and structures, as aforesaid.

Price.

Forfeiture.

SEC. 6. If the lessee shall fail to comply with the provisions of the act or make default in the performance or observance of any of the terms, covenants and stipulations hereof, or of the general regulations promulgated and in force at date hereof, and such default shall continue for 90 days after service of writen notice thereof by the lessor, then the lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of this lease as provided in section 8 of the act. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of this lease for any other cause of forfeiture, or for the same cause occurring at any other time.

Successors in interest.

SEC. 7. The lessee further agrees and covenants that the obligations entered into hereby shall extend to and be binding upon his heirs and successors in interest hereunder.

Unlawful interest.

SEC. 8. It is also further agreed that no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent or employee of the Department of the Interior, shall be admitted to any share or part of this lease or derive any benefit that may arise therefrom, and the provisions of section 3741 of the Revised Statutes of the United States and sections 114, 115 and 116 of the Codification of the Penal Laws of the United States approved March 4, 1909 (35 Stat., 1109), relating to contracts enter into and form a part of this lease so far as the same may be applicable.

In witness whereof—

THE UNITED STATES OF AMERICA,
By ——— ——— [L. S.]
Secretary of the Interior.

Witnesses:
——— ——— ——— ——— [L. S.]
——— ——— ——— ———
——— ——— ——— ———
——— ——— ——— ———

USE PERMITS FOR CAMP SITE AND REFINING WORKS.

Section 3 of the act of October 2, 1917, "To authorize exploration for and disposition of potassium," provides:

That in addition to areas of such mineral land to be included in prospecting permits or leases, the Secretary of the Interior, in his discretion, may issue to a permittee or lessee under this act the exclusive right to use, during the life of

the permit or lease, a tract of unoccupied nonmineral public land not exceeding forty acres in area for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease.

In accordance with the provisions of this section the following regulations are prescribed, by which a permittee or lessee under the act may acquire the right therein granted:

1. Application may be made by the permittee or lessee identifying by serial number his permit or lease, setting forth in detail the specific reasons why it is necessary for the applicant to have the use of an additional tract of land for a camp site, refining works or other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease.

2. The application should contain a description of the lands by legal subdivisions, if surveyed, or, if not surveyed, by the approximate description thereof as it will appear when surveyed, for which the right of use is desired, together with a statement of the particular reasons why it is especially adapted thereto, either in point of location, topography or otherwise, and that it is unoccupied nonmineral land.

3. Use permits granted hereunder will be for indeterminate periods, dependent in that respect upon the existence of the permit or lease made the basis of the right authorized by section 3. Upon the termination of such permit or lease all rights secured hereby will also cease and terminate, and such condition shall be expressly recognized and stated in the application.

4. No blank forms of application will be furnished to applicants hereunder, but they will be guided by the foregoing as to the essential requirements of the application, which will be verified by the affidavit of the applicant.

FORM OF USE PERMIT FOR CAMP SITE OR REFINING WORKS.

The form of use permit issued under section 3 of the act of October 2, 1917, will be in substance as follows:

THE UNITED STATES OF AMERICA:

Know all men by these presents that I, Franklin K. Lane, Secretary of the Interior, under and by virtue of section 3 of the act of Congress entitled "An act to authorize exploration for and disposition of potassium," approved October 2, 1917, have granted and do hereby grant to ———, the holder of ———, bearing serial number ——, the exclusive right to use, during the life of the aforesaid ———, the following-described tract of land, to-wit: ———— for a camp site, refining works and other purposes connected with and necessary to the proper development and the use of the deposits covered by the aforesaid ——, all rights hereunder to cease and terminate upon the termination of the aforesaid ———.

In witness whereof I have affixed my signature hereto and the seal of the department this —— day of ——.

[SEAL.]

———— ————,

Secretary of the Interior.

PATENTS FOR LANDS CONTAINING POTASH.

(*a*) *Claims under existing mining laws.*—Valid claims existent on October 2, 1917, and thereafter maintained in compliance with the laws under which initiated may be perfected and patented under the provisions of the general mining laws and the regulations thereunder.

In addition to the usual proofs required by said laws and regulations, claimants, under all pending and future applications based on valid claims, must submit evidence showing that the assessment work has been annually performed up to and including the year preceding that in which the entry certificate is issued. Such proof may be made by filing the original or authenticated copies of the proofs of annual labor of record in the local recording office, provided such proofs are definite and specific. Where such evidence is not available, a sufficient corroborated affidavit, describing the nature and giving the approximate cost and reasonable value of the work done each year upon or for the benefit of each claim included in the application for patent, will be accepted. Similar proof must be furnished in support of all pending cases, where the entry certificates are outstanding, before such entries will be approved for patent, all else being regular.

(*b*) *Claim resulting from discovery under permit.*—A permittee (or the assignee or transferee of a permittee in those cases where the consent to the assignment or transfer of the permit has been authorized by the Secretary), who has discovered valuable deposits of one or more of the substances enumerated in section 1 of the act, within the area covered by, and the two years specified in, the permit, shall file, in the proper local land office an application, under oath, for a patent for the land desired by him in the exercise of his right to a patent, as discoverer, which land, including the discovery on which the right to a patent is predicated, shall not exceed one-fourth of the area embraced in the prospecting permit, and shall be taken in compact form and described by legal subdivisions; or, if the land is unsurveyed, then in a tract which shall not exceed 2 miles in length, described by metes and bounds and by reference to regular survey corners, if practicable, or by the approximate description the lands will bear when surveyed, to the end that the location of the land desired can be readily determined on the ground.

Application for patent may be filed by the permittee at any time during the two years specified in the permit or 30 days thereafter. No right in the permittee or in the assignee of the permittee to patent any part of the land embraced in the permit will be recognized where the application for patent is not filed within the period herein prescribed. Application for patent and proof in support thereof by the assignee must be made within the same time as though there had been no assignment.

Applications for patents will be properly noted of record by the local land officers, and, prior to the issuance of the order of publication of notice of application for patent, will be, by special letter, transmitted to the Commissioner of the General Land Office, accompanied by a statement as to the status of the land embraced in the application for patent. After the receipt of such application, no applications, filings or selections for the lands embraced therein will be permitted until so directed, nor will publication of the aforesaid notice be ordered until receipt of instructions with regard thereto from the Commissioner of the General Land Office.

After application for patent, in case the land is unsurveyed, an estimate will be made of the approximate cost of survey, including necessary office work incident thereto, of which the applicant will be duly notified, which amount applicant will deposit, as required by section 2 of the act, with any Assistant United States Treasurer or designated depository in favor of the United States Treasurer, to be passed to the credit of "Deposits of individuals for survey of public lands," and file with the surveyor general duplicate certificates of such deposit in the usual manner. Additional amounts will be deposited if necessary. Such survey will, if all be regular, be made by United States surveyors, by or under the direction of the supervisor of surveys and the United States surveyor general. As far as practicable all such surveys will be an extension of the regular Government surveys, after which the applicant will be required to conform his boundaries thereto. Special instructions for each such survey will be issued by the surveyor general.

Except as otherwise provided in these regulations, the procedure to be followed by the applicant-permittee to obtain patent shall be conformable to that provided by the regulations for obtaining patent to mining claims, under the general mining laws, as to filing the application, payment of fee of $5 to each the register and receiver, posting and publication, proof of mineral discovery, character of minerals, formation, etc., except that proof of patent expenditure of not less than $500 in improvements will not be required, nor statement of fees and charges, nor payment of any purchase money for the land, and publication will be required for only 30 days. The discovery of a valuable deposit of potash under applicant's permit shall be construed as the discovery of a deposit which yields commercial potash in commercial quantities. The applicant must show under oath all facts in support of his claim for patent, giving kinds of minerals discovered, character and extent of the deposits, together with a showing of the facts relative to transportation facilities, water supply, possible process of manufacture and other factors which make the alleged discovery commercially valuable.

It will be noted that said act of October 2, 1917, makes no provision for determining adverse claims through the institution of adverse suits in local courts, hence all such claims, if any, and upon the filing of sufficient and proper protests, will be determined by the Land Department. The "Rules of Practice in cases before the United States District Land Offices, the General Land Office, and the Department of the Interior" will, as far as applicable, govern in the handling and disposition of protests.

If all be regular patent shall issue only for such portions of the premises applied for, as aforesaid (or for the reserved mineral deposits in land applied for where the surface thereof has been disposed of with reservation of the potash deposits to the United States), as are shown to the satisfaction of the Government to be valuable for the potash therein contained.

AN ACT TO AUTHORIZE EXPLORATION FOR AND DISPOSITION OF POTASSIUM.

(40 Stat., 297.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to issue to any applicant who is a citizen of the United States, an association of such citizens, or a corporation organized under the laws of any State or Territory thereof, a prospecting permit which shall give the exclusive right for a period not exceeding two years, to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium on public lands of the United States, except lands in and adjacent to Searles Lake, which would be described if surveyed as townships twenty-four, twenty-five, twenty-six, and twenty-seven south of ranges forty-two, forty-three, and forty-four east, Mount Diablo meridian, California: *Provided,* That the area to be included in such permit shall not exceed two thousand five hundred and sixty acres of land in reasonably compact form.

SEC. 2. That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one or more of the substances enumerated in section one hereof *have been discovered by the permittee* within the area covered by his permit, the permittee shall be entitled to a patent for not to exceed one-fourth of the land embraced in the prospecting permit, to be taken in compact form and described by legal subdivisions of the public-land surveys, or if the land be not surveyed, then in tracts which shall not exceed two miles in length, by survey executed at the cost of the permittee, in accordance with rules and regulations prescribed by the Secretary of the Interior. All other lands described and embraced in such a prospecting permit from and after the exercise of the right to patent accorded to the discoverer, and not covered by leases, may be leased by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding two thousand five hundred and sixty acres, all leases to be conditioned upon the payment by the lessee of such royalty as may be specified in the lease and which shall be fixed by the Secretary of the Interior in advance of offering the same, and which shall not be less than two percentum on the gross value of the output at the point of shipment, which

royalty, on demand of the Secretary of the Interior, shall be paid in the product of such lease, and the payment in advance of a rental, which shall be not less than 25 cents per acre for the first year thereafter; not less than 50 cents per acre for the second, third, fourth and fifth years, respectively; and not less than $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods, upon condition that at the end of each twenty-year period succeeding the date of any lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods, and a patentee under this section may also be a lessee: *Provided*, That the potash deposits in the public lands in and adjacent to Searles Lake in what would be if surveyed townships twenty-four, twenty-five, twenty-six, and twenty-seven south of ranges forty-two, forty-three, and forty-four east, Mount Diablo meridian, California, may be operated by the United States or may be leased by the Secretary of the Interior under the terms and provisions of this Act: *Provided further*, That the Secretary of the Interior may issue leases under the provisions of this act for deposits of potash in public lands in Sweetwater County, Wyoming, also containing deposits of coal, on condition that the coal be reserved to the United States.

SEC. 3. That in addition to areas of such mineral land to be included in prospecting permits or leases the Secretary of the Interior, in his discretion, may issue to a permittee or lessee under this act the exclusive right to use, during the life of the permit or lease, a tract of unoccupied nonmineral public land not exceeding forty acres in area for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease.

SEC. 4. That the Secretary of the Interior shall reserve the authority and shall insert in any preliminary permit issued under section one hereof appropriate provisions for its cancellation by him upon failure by the permittee or licensee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit.

SEC. 5. That no person shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof which, together with the area embraced in any direct holding of a lease under this act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, or otherwise, exceeds in the aggregate in any area fifty miles square an amount equivalent to the maximum number of acres allowed to any one lessee under this act; that no person, association, or corporation holding a lease under the provisions of this act shall hold more than a tenth interest, direct or indirect, in any other agency, corporate or otherwise, engaged in the sale or resale of the products obtained from such lease; and any violation of the provisions of this section shall be ground for the forfeiture of the lease or interest so held; and the interests held in violation of this provision shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located, except that any such ownership or interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition.

SEC. 6. That any permit, lease, occupation, or use permitted under this act shall reserve to the Secretary of the Interior the right to permit for joint or

several use such easements or rights of way upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act may reserve to the United States the right to dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease; that the said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved.

SEC. 7. That each lease shall contain provisions deemed necessary for the protection of the interests of the United States, and for the prevention of monopoly, and for the safeguarding of the public welfare.

SEC. 8. That any lease issued under the provisions of this act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property or some part thereof is located whenever the lessee fails to comply with any of the provisions of this act, of the lease, *or of the general regulations promulgated* under this act and in force *at the date of the lease*, and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

SEC. 9. That the provisions of this act shall also apply to all deposits of potassium salts in the lands of the United States which may have been or may be disposed of under laws reserving to the United States the potassium deposits with the right to prospect for, drill, mine, and remove the same, subject to such conditions as to the use and occupancy of the surface as are or may hereafter be provided by law.

SEC. 10. That all moneys received from royalties and rentals under the provisions of this act, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June seventeenth, nineteen hundred and two, known as the reclamation act, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, fifty per centum of the amounts derived from such royalties and rentals, so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools.

SEC. 11. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

SEC. 12. That the deposits herein referred to, in lands valuable for such minerals, shall be subject to disposition only in the form and manner provided in this act, except as to valid claims existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws: *Provided*, That nothing in this act shall be construed or held to affect the rights of the States or other local

authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee.

SEC. 13. That the Secretary of the Interior is hereby authorized and directed to incorporate in every lease issued under the provisions of this act a provision reserving to the President the right to regulate the price of all mineral extracted and sold from the leased premises, which stipulation shall specifically provide that the price or prices fixed shall be such as to yield a fair and reasonable return to the lessee upon his investment and to secure to the consumer any of such products at the lowest price reasonable and consistent with the foregoing: *Provided*, That such lease issued under this act shall also stipulate that the President shall have authority to so regulate the disposal of the potassium products produced under such lease as to secure its distribution and use wholly within the limits of the United States or its possessions.

Approved, October 2, 1917.

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AMENDMENT OF CIRCULAR NO. 491, RELATING TO TOWNSITES IN ALASKA.

[Circular No. 597.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 22, 1918.

REGISTERS AND RECEIVERS, AND CHIEF OF FIELD DIVISION, ALASKA:

Section 2 of Circular No. 491, dated July 19, 1916 (45 L. D., 242), is hereby amended to read as follows:

2. When the survey of the exterior lines has been approved, or if the townsite is on surveyed land, a petition to the Secretary of the Interior, signed by a majority of the occupants of the land, will be filed in the local office for transmittal to the General Land Office requesting the appointment of a trustee and the survey of the townsite into lots, blocks, and municipal reservations for public use, the expense thereof to be paid from assessments upon the lots occupied and improved on the date of the approval of final subdivisional townsite survey. If found sufficient the Secretary of the Interior will designate an officer of the field service of the General Land Office as a trustee to make entry of the townsite, payment for which must be made at rate of $1.25 per acre. If there are less than 100 inhabitants the area of the townsite is limited to 160 acres; if 100 and less than 200, to 320 acres; if more than 200, to 640 acres, this being the maximum area allowed by the statute.

Section 8 of said circular is hereby amended to read as follows:

8. On the approval of the plat by the General Land Office the trustee will publish a notice that he will, at the end of 30 days from the date thereof, proceed to award the lots applied for, and that all lots for which no applications are filed within 120 days from the date of said notice will be subject to disposition to the highest bidder at public sale. Only those who were occupants of lots or entitled to such occupancy at the date of the approval of final subdivisional townsite survey, or their assigns thereafter, are entitled to the allotments herein provided. Minority and coverture are not disabilities.

Section 11 of said circular is hereby amended to read as follows:

11. After deeds have been issued to the parties entitled thereto the trustee will publish notice that he will sell, at a designated place in the town and at a time named, to be not less than 30 days from date, at public outcry, for cash, to the highest bidder, all lots and tracts remaining unoccupied and unclaimed at the date of the approval of final subdivisional townsite survey, and all lots and tracts claimed and awarded on which the assessments have not been paid at the date of such sale. The notice shall contain a description of the lots and tracts to be sold, made in two separate lists, one containing the lots and tracts unclaimed at the date of the approval of final subdivisional townsite survey and the other the lots and tracts claimed and awarded on which the assessments have not been paid. Should any delinquent allottee, prior to the sale of the lot claimed by him, pay the assessments thereon, together with the pro rata cost of the publication and the cost of acknowledging deed, a deed will be issued to him for such lot, and the lot will not be offered at public sale. The notice of public sale will be published for 30 days prior to the date of sale, and copies thereof shall be posted in three conspicuous places within the townsite. Each lot must be sold at a fair price to be determined by the trustee, and he is authorized to reject any and all bids. Lots remaining unsold at the close of the public sale in an unincorporated town may again be offered at a fair price if a sufficient demand appears therefor.

CLAY TALLMAN, *Commissioner.*

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

Circ.
Superseded by 1005. + 1005
suspended - see Circ. 1726

CIRCULAR NO. 599.

CITIZENSHIP PAPERS—INSTRUCTIONS AS TO ACCEPTANCE AND AS TO RETURN THEREOF TO THE PARTIES.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 14, 1918.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: The following instructions will, after July 1, 1918, govern in the matter of accepting evidence regarding citizenship in public land cases and of returning citizenship papers to the parties:

1. As stated in the instructions of February 20, 1918, Circular No. 589, you will not accept as showing an applicant's status, evidence of a declaration of intention to become a citizen executed more than seven years before the date of the filing, unless it be shown that there is pending a petition for naturalization pursuant thereto, filed within seven years after the date of the declaration.

2. You will not accept as evidence of a party's status, a triplicate declaration of intention to become a citizen of the United States or an original certificate of naturalization issued since September 26, 1906; but if such evidence be offered, you will return it to the party and will allow him 30 days after notice within which to furnish a certified copy of the paper made by the clerk of the court whence it issued, on the form prescribed by the Bureau of Naturalization. An original paper issued on or before the date mentioned, or a certified copy thereof, will be received as heretofore.

3. Where a party states his status as to citizenship and refers to evidence thereof already on file in the General Land Office you will accept this as sufficient, provided he furnishes such data as will serve to identify the application or entry with which the paper is alleged to have been filed.

4. No triplicate declaration of intention, or original certificate of naturalization issued since September 26, 1906, will hereafter be returned by this office to the party, or to any person applying therefor on his behalf. He must file application therefor with the clerk of the court named in the document, making arrangement with said official to supply a certified copy for the files of this office, and furnishing a description of the land involved or such other data as will enable this office to identify the case in which the paper was filed. The clerk will thereupon forward the request for its return (as well as said copy) to the Bureau of Naturalization, Department of Labor, and the document will be returned through the same channel, if favorable recommendation be made by that bureau.

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5. If the declaration of intention or certificate was filed with an application which has been rejected, this office will return the document direct to the applicant on his personal request therefor.

6. Request for the return of a certificate of naturalization issued prior to September 27, 1906, should be sent to this office direct and the paper will be returned, provided it be clearly shown that the person applying therefor is the proper person to receive the paper. Triplicate declarations of intention as well as copies of declarations, more than seven years old, are of no value to the parties and will be retained in the files of this office.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1918

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